April Term 1870 15
Steamboat George Washington v. Cavan

TRANSCRIPT OF RECORDS.

Mr. Justice Clifford

SUPREME COURT OF THE UNITED STATES.

No. ~~382~~ 169

THE STEAMBOAT "GEORGE WASHINGTON;" JACOB MYERS, EGBERT MYERS, AND MICHAEL SHERMAN, CLAIMANTS, APPELLANTS,

vs.

ANN CAVAN.

FILED DECEMBER 16, 1868.

No. ~~491~~ 259

THE STEAM FERRY-BOAT "D. S. GREGORY;" THE NEW JERSEY RAILROAD AND TRANSPORTATION COMPANY, CLAIMANTS, APPELLANTS,

vs.

ANN CAVAN.

FILED SEPTEMBER 23, 1869.

APPEALS FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

~~April 9 1870~~

Affirmed with costs

SUPREME COURT OF THE UNITED STATES.

No. 382.

THE STEAMBOAT "GEORGE WASHINGTON;" JACOB MYERS, EGBERT MYERS, AND MICHAEL SHERMAN, CLAIMANTS, APPELLANTS,

vs.

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No. 491.

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To the Honorable Samuel R. Betts, judge of the district court of the United States for the southern district of New York:

The libel of Ann Cavan, a resident of Bergen Point, in the State of New Jersey, against the steam ferry-boat D. S. Gregory, her tackle, apparel, and other furniture, and the steamboat George Washington, her tackle, apparel, and other furniture, and all persons lawfully intervening for their interest in said steam ferry-boat or said steamboat, or either of them, in a cause of damages, civil and marintine, alleges and articulately propounds as follows:

First. That at the time of the collision, hereafter in the third article of this libel mentioned and set forth, the said steam ferry-boat D. S. Gregory, belonging, as your libellant is informed and believes, to the New Jersey Railroad and Transportation Compony, was a vessel of more than 500 tons burthened, regularly enrolled and licensed for the coasting trade, and was employed as a ferry in the business of commerce and navigation between Jersey City, at port in the State of New Jersey, and the port of New York, in the State of New York, and duly
2 plied to and from the said ports on the waters of the North or Hudson River, and within the admiralty and marintin jurisdiction of this honorable court.

Second. That at the time of the said collision, hereinafter mentioned, the steamboat George Washington was a vessel regularly enrolled and licensed for the county trade, and was employed in the business, commerce, and navigation from the port of New York, running, as your libellant is informed and believes, between several landings in the city of New York and elsewhere, in excursion upon the public navigation waters of the United States, and within the admiralty and marintine jurisdiction of this honorable court.

Third. That on the morning of the 16th day of September, 1866, your libellant, being in Jersey City, and desires to cross the said North or Hudson River to the city of New York, for the purpose of attending divine service at her usual place of worship in said city, proceded to the foot of Montgomery street, in said Jersey City, and after paying at the office of the ferry company at that place, the regular fare by them demanded for the conveyance of one person across said river,
3 there and then went on board said steam ferry-boat D. S. Gregory, then lying in the dock at the foot of said Montgomery street, and [and] took her seat in the ladies' cabin of the said steam ferry-boat; That the said ladies' cabin, during the trip of the said steam ferry-boat from Jersey City to New York, is upon the port or left-hand side of said steam ferry boat. That the seat occupied by you libellant was situated in the right-hand row of seats in said cabin, and near the forward end thereof, the said right-hand row of seats being the nearest to the centre of said steam ferry-boat, and [and] furthest from the [the] port bulworks of said [of said] steam ferry-boat. That shortly after your libellant had taken her seat as aforesaid, the said steam ferry-boat left her dock at Jersey City and proceded on her voyage towards New York. That when the said steam ferry-boat had nearly crossed the said river and was within about two hundred yards of her dock upon the New York shore, and preparing to enter the same, she encountered the said steamboat George Washington, which had shortly before left the landing at the foot of Christopher street, in the city of New York, and was bound on moving down the river at a high rate of speed. That
4 the said steam ferry-boat D. S. Gregory and the said steamboat George Washington then and there came into collision, and with

great force and violence ran into each other; the bow or steem of the said steam ferry-boat, upon the port or left-hand side, about ten feet from the forward end of the ladies' cabin, and nearly opposite the seat occupied by your libellant, cutting into, tearing, and throwing down with great force and violence the beams, planks, and other materials, whereof the said ladies' cabin was constructed. That by the violence of the said collision your libellant was forced through the right-hand side of said ladies' cabin upon the maine deck of said steam ferry-boat, and near the center part thereof, and was buried under the said beams and planks, which, by the said collision, were hurled upon her with great violence. That thereby your libellant was grievously bruised and injured upon various parts of her body, her face cut openet, one of her legs fractured in three distinct and several places, and her other leg also fractured in one place.

Fourth. That in consequence of said collision and of the said
5 injuries there received, your libellant has suffered and still suffers great bodily pain and anguish; that since the time of said collision she has been, and still is confined to her bed and unable to leave the same, and she is thereby rendered unable to work and labor for her own support, and has been put to great expense in trying to be cured; and your libellant claims to be entitled, by reasons of the premises, to demand from the said steam ferry-boat D. S. Gregory, and from the said steamboat George Washington, or from either of them, according as it shall be adjudged by the court, damages to the amount of ten thousand dollars.

Fith. That the said collision and consequent damage to your libebellant caused by the [the] negligence, want of skill, and improper conduct of the persons navigating the D. S. Gregory, and by the negligence, wank of skill, and improper conduct of the persons navigating the stearmboat George Washington, and by their joint negligence, fault, and improper conduct, and not by or through any fault, negligence, or improper conduct of your libellant. That said steamboat George Washington, as well as said steam ferry-boat were each in fault in not stopping and
6 backing in season, after it became apparent that there was risk of collision from continuing on their respective courses, or in not keeping a good look-out, or other fault or mismanagement.

Sixth. That the said steam ferry-boat D. S. Gregory, and the said steamboat George Washington, are now lying within the southern district of the State of New York, and within the jurisdiction of this honorable court.

Seventh. That all and singular the premises are true and within the admiralty of marintine jurisdiction of this honorable court.

Wherefore your libellant prays that process in due form of law, according to the course of this honorable court in cases of admiralty and marintine jurisdiction, may issue against the said steam ferry-boat D. S. Gregory, her tackle, apparel, and other furniture, and against the steamboat George Washington, her tackle, apparel, and other furniture; and that all persons having any interest in said steam ferry-boat D. S. Gregory or in the said steamboat George Washington, may be cited
7 to appear and answer all and regular the matters aforesaid; and that this honorable court would be pleased to decree the payment of the damages as aforesaid; and that the said vessels may be condemned and sold to pay the same; and that your libellant may have such other and further relief in law and equity she may be entitled to receive.

THATCHER M. ADAMS,
Proctor for Libellant.

DISTRICT OF NEW JERSEY, *ss:*

Ann Cavan, the libellant in this action, being duly sworn, says that she has seen the foregoing libel; that the same is true of her own knowledge, except to the matters therein stated on information and belief, and as to those matters she believes it to be trrue.

ANN CAVAN.

Sworn before me this 6th day of November, 1866, at Bergen Point, in the county of Hudson, State of New Jersey.

ABRAHAM S. JACKSON,
United States Commisioner for the State of New Jersey.

8

9 In open court.

FEB'Y 9, 1867.

To the Honorable Samuel R. Betts, judge of the dist. court of the United States for the south'n dist. of N. Y.:

Amendments to the libel of Ann Cavan ag'st the steam ferry-boat D. S. Gregory, her tackle, apparel, & furniture, and the steamboat Geo. Washington, her tackle, apparel, & furniture, in a cause of damages, civil & maritime.

First. Insert after the words "city of New York," in folio 3 of said libel, and in the third article thereof, the words following, for the purpose of attending divine service at her usual place of worship in said city.

Second. Strike out the word "or" occurring after the words "D. S. Gregory," in the 5th article of said libel, & insert in lieu thereof the word "and."

Third. Strike out the word "or" occurring after the words "Geo. Washington," in the 5th article of said libel, & insert in lieu thereof the word "and."

Fourt. Add at the conclusion of the fifth article of said libel
10 the words following:

"That said steamboat Washington as well as said steam ferry-boat were each in fault in not stopping & backing in season, after it became apparent that there was risk of collision from continuing on their respective courses, or in not keeping a good look-out, or other fault or mismanagement.

THATCHER M. ADAMS,
Pr. for Libellants.

U. S. dist. cout agst. st'b. D. S. Gre'ry & st'm Geo. Washington. Amendm'nts to libel. T. M. Adams, pr. f'r lib'l'nt.
Filed Feb'y 9, 1867.

Service of a copy of within amendme'ts is hereby admitted.

JOSEPH C. JACKSON,
Def't's Att'y, 16 Wall St.

B., D. & B.

11 District court of the United States for the southern district of New York.

Filed the 7th day of Nov., 1866.

Stipulation for libellant's costs. Entered into pursuant to the rules and practice of this court.

Whereas a libel was filed in this court on the seventh day of Nov., in

the year of our Lord one thousand eight hundred and sixty-six, by Ann Cavan against the steamboat D. S. Gregory, her tackle, &c., & the steamboat Geo. Washington, her tackle, &c., for the reasons and causes in the said libel mentioned, and praying that said steamboats, &c., be condemned & sold to pay the demands of libellant, and the said libellant and Malcolm Graham & Thatcher M. Adams, sureties, parties hereto, hereby consenting and agreeing, that in case of default or contumacy on the part of the libellant or her suretis, execution may issue against their goods, chattels, and lands for the sum of two hundred & fifty dollars:

Now, therefore, it is hereby stipulated and agreed for the benefit of whom it may concern, that the stipulators undersigned shall be, and each of them is bound in the sum of two hundred & fifty dollars, conditioned that the libellant above named shall appear and answer to the cause, and to interrogatories, and shall pay all such costs as shall be awarded against her by this court, or, in case of appeal, by the appellate court.

ANN CAVAN,
By THATCHER M. ADAMS, *Ag't.*
MALCOLM GRAHAM.
THATCHER M. ADAMS.

Taken and acknowledged this 7 day of Nov., 1866, before me.
JOHN A. OSBORN,
U. S. Commissioner.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Malcolm Graham & Thatcher M. Adams, parties to the above stipulation, being duly sworn, doth depose and say, that he resides in the city of New York, and that he is worth the sum of five hundred dollars over and above all his just debts and liabilities.

MALCOLM GRAHAM.
THATCHER M. ADAMS.

Sworn to this 7th day of Nov., 1866, before me.
JOHN A. OSBORN,
U. S. Commissioner.

Recorded the 7th day of Nov., 1866.

, *Clerk.*

12

13 SOUTHERN DISTRICT OF NEW YORK, *ss:*

The President of the United States of America to the marshal of the southern district of New York, greeting:

Whereas a libel hath been filed in the district court of the United States for the southern district of New York, on the 7th day of Nov., in the year of our Lord one thousand eight hundred and , by Ann Cavan, ag'st the st. ferry-boat D. S. Gregory, her tackle, &c., and ag'st the st'boat Geo. Washington, her tackle, &c.—damage $10,000—for the reasons and causes in the said libel mentioned, and praying the usual process and monition of the said court in that behalf to be made, and that

all persons interested in the said st. ferry-boat & steamboat, or vessel, there tackle, &c., may be cited, in general and special, to answer the premises, and all proceedings being had that the said st. ferry-boat & st'boat or vessel, there tackle, &c., may, for the causes in the said libel mentioned, be condemned and sold to pay the demands of the libellant:

You are, therefore, hereby commanded to attach the said st. ferry-boat & steamboat or vessel, her tackle, &c., and to detain the same in your custody until the further order of the court respecting the same, and to give due notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned and sold pursuant to the prayer of the said libel, that they be and appear before the said court, to be held in and for the southern district of New York, on the 27 day of Nov. next, at eleven o'clock in the forenoon of the same day, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same, and to make their allegations in that behalf. And what you shall have done in the premises, do you then and there make return thereof, together with this writ.

Witness the Honorable Samuel R. Betts, judge of the said court, at the city of New York, in the southern district of New York, this 8th day of Nov., in the year of our Lord one thousand eight hundred and sixty-six, and of our independence the ninety-first.

GEO. F. BETTS, *Clerk.*

THATCHER ADAMS,
Proctor for Libellant.

Dated Nov. 27, 1866.

14 (Indorsed:) Vol. . Page . Southern district of New York. United States district court. Ann Cavan vs. the st'boat D. S. Gregory & the st'boat Geo. Washington. Monition ret'ble Nov. 27, 1866. T. M. Adams, proctor for libellant.
Filed Nov. 27, 1866.

I hereby depute Peter Miller to execute the within process.
Dated Nov. 8, 1866.

R. MURRAY, *U. S. Marshal.*

In obedience to the within monition, I attached the st'boat D. S. Gregory & Geo. Washington therein described, on the 8th day of Nov., 1866, and have given due notice to all persons claiming the same, that this court will, on the 27 day of Nov'r, inst., (if that day should be a day of jurisdiction, if not on the next day of jurisdiction thereafter,) proceed to the trial and condemnation thereof, should no claim be interposed for the same.

R. MURRAY, *U. S. Marshal.*

15 At a special term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms in the city of New York, on Friday, the 9th day of Nov., in the year of our Lord one thousand eight hundred and sixty-six:
Present, the Honorable W. D. Shipman, district Judge.

THE ST. FERRY-BOAT D. S. GRE'ORY, impleaded with the steamboat Geo. Washington,
asm.
ANN CAVAN.

And now, the New Jersey Railroad & Transportation Company, by Joseph C. Jackson, the'r att'y, intervening as owners for the interest of themselves in the said st. ferry-boat D. S. Ge'ory, appears before the honorable court, and makes claim to the said D. S. Gregory, &c., as the same are attached by the marshal, under process of this court, at the instance of the libellant, Ann Cavan; and the said the New Jersey R. R. & Trans. Co. aver, that they, the said co., were in possession of the said D. S. Gre'ory at the time of the attachment thereof, and that the company above named are the true and bona fide owners of the said D. S. Gregory, and that no other person is the owner thereof; and the said Joseph C. Jackson, the true and lawful bailee thereof, as agent; wherefore he prays to defend accordingly.

The New Jersey Railroad & Trans. Co.,
By JOSEPH C. JACKSON, *their Att'y.*

JOSEPH C. JACKSON,
Proctor for Claimant.

16 SOUTHERN DISTRICT OF NEW YORK, *ss:*

Joseph C. Jackson, being duly sworn, deposes and says that he resides at No. 149 Maidison av., N. Y. City; that he is the general att'y & agn't of the cla'm'ts in the above-named action; that the owners of said D. S. Gregory reside in the State of ; and that this deponent is duly authorized to put in this claim in behalf of the owner of the said st'boat D. S. Gregory; and that the said claim is true, of the knowledge of this deponent, except as to the matters therein stated on information and belief, and as to such matters he believes it to be true.

JOSEPH C. JACKSON.

Sworn to and subscribed this 9th day of Nov., A. D. 1866, before me.
JOHN A. OSBORN,
U. S. Commissioner.

(Indorsed:) Vol. . No. . United States district court for the southern district of New York. asm. .
, proctor for claimant. Claim of .
Filed the 9th day of Nov., 1866.

17 District court of the United States for the southern district of New York.

Filed the 9th day of Nov. 1866.

Stipulation entered into pursuant to the rules and practice of this court

Whereas a libel was filed in this court on the 7th day of Nov., in the year of our Lord one thousand eight hundred and sixty-six, by Ann Cavan, against the st. ferry-boat D. S. Gregory, her tackle, &c., & the st'b't Geo. Washington, her tackle, &c., for the reasons and causes in the said libel mentioned, and praying that said st'boat may be condemned

& sold to pay the demands of said libellant, and the parties hereto hereby consenting that in case of default or contumacy on the part of the claim'ts or their suret , execution for the sum of two hundred & fifty dollars may issue against their goods, chattels, and lands; & whereas, also, a claim has been filed in said cause by the New Jersey Railroad & Transportation Co., owners of the st. ferry-boat D. S. Gre-'ory, &c.:

Now, therefore, it is hereby stipulated and agreed, for the benefit of whom it may concern, that the stipulators undersigned shall be, and each of them is hereby, bound in the sum of two hundred & fifty dollars, conditioned that the cl'm'ts above named shall pay all costs and expenses which shall be awarded against by the final decree of this court, or, upon an appeal, by the appellate court.

The New Jersey Railroad & Transportation Co.,
By JOSEPH C. JACKSON, *they Attorney.*
ALBERT G. THORP.

Taken and acknowledged this 9th day of Nov., 1868, before me.
JOHN A. OSBORN,
U. S. Commissioner.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Albert G. Thorpe, party to the above stipulation, being duly sworn, doth depose and say that he resides in the south. dist. of N. Y.; that he is worth the sum of five hundred dollars over and above all his just debts and liabilities.

ALBERT G. THORP.

Sworn to this 9th day of Nov., 1868, before me.
JOHN A. OSBORN,
U. S. Commissioner.

Recorded the 9 day of Nov., 1866.

, *Clerk.*

18

19 District court of the United States for the southern district of New York.—In admiralty.

Filed the 9 day of Nov., 1866.

Stipulation entered into pursuant to the rules and practice of this court.

Whereas a libel was filed on the 7th day of Nov., in the year of our Lord one thousand eight hundred and sixty-six, by Ann Cavan against the steam ferry-boat D. S. Gregory, her tackle, &c., and the st'boat George Washington, her tackle, &c., for the reasons and causes in the said libel mentioned; and whereas the said st. ferry-boat D. S. Gregory, her tackle, is in the custody of the marshal, under the process issued in pursuance of the prayer of said libel; and whereas it has been consented that said st. ferry-boat D. S. Gregory, her tackle, &c., be discharged from custody on the cl'mt's filing claim & executing stipulations for cost & value, the latter in the sum of fifteen thousand dollars, as appears from said consent now on file in said court; and the parties hereto hereby consenting and agreeing that in case of default or contumacy on the

part of the claim'ts or the sureties, execution for the above amount may issue against their goods, chattels, and lands:

Now, therefore, the condition of this stipulation is such that, if the stipulator undersigned shall, at any time, upon the interlocutory or final order or decree of the said district court, or of any appellate court to which the above-named suit may proceed, and upon notice of such order or decree to Joseph C. Jackson, esquire, proctor for the claimant, of said st. ferry-boat D. S. Gregory, &c., abide by and pay the money awarded by the final decree rendered by the court or the appellate court, if any appeal intervene, then this stipulation to be void; otherwise to remain in full force and virtue.

The New Jersey R. R. & Trams. Co.,
By JOSEPH C. JACKSON,
Att'y & Agent.
ALBERT G. THORP.

Taken and acknowledged this 9th day of Nov., 1866, before me.
JOHN A. OSBORN,
U. S. Commissioner.

20 SOUTHERN DISTRICT OF NEW YORK, *ss:*

Albert G. Thorp, party to the above stipulation, being duly sworn, deposes and says that he resides in the south. dist. of New York; that he is worth the sum of thirty thousand dollars over and above all his just debts and liabilities.

Sworn to this 9th day of Nov., 1866, before me.
JOHN A. OSBORN,
U. S. Commissioner.

Recorded this 9th day of Nov., 1866.

21 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms in the city of New York, on Friday, the 9th day of Nov., in the year of our Lord one thousand eight hundred and sixty-six:

Present, the Honorable W. D. Shipman, district judge.

THE STEAM FERRY-BOAT D. S. GREGORY, her tackle, &c., impleaded, &c.,
ads.
ANN CAVAN.

On reading & filing consent to stipulate, signed by the proctor for libellant, and the terms being complied with, on motion of Joseph C. Jackson, esq., proctor for cl'm't, it is ordered that the above-named steam ferry-boat D. S. Gregory, her tackle, &c., be discharged from custody, the stipulation for value to represent said vessel in the above-entitled action, and that the appearance of the claimants be, & the same is hereby ent'ed herein.

22 (Indorsed:) Vol. . No. . United States district court for the southern district of New York. Order. , proctor for . Filed the day of , 186 .

23 At a stated term of the district court of the United States of America for the southern district of New York, held at the

United States court-rooms in the city of New York, on Tuesday, the 11th day of Dec'r, in the year of our Lord one thousand eight hundred and sixty-six:

Present, the Honorable Sam'l R. Betts, district judge.

THE ST'B'T GEORGE WASHINGTON, &c., &c., impleaded, *asm.* ANN CAVAN.

And now, Wm. Myers, one of the owners of the st'boat Geo. Washington, intervening for the interest of himself, & the other owners, viz., Jacob Myers, Egbert Myers, & Michael Sherm, in the said st'boat, appears before the honorable court and makes claim to the st'boat, &c., as the same are attached by the marshal, under process of this court, at the instance of Amn Cavan, and the said William Myers aver that he was in possession of the said st'boat at the time of the attachment thereof, and that the person above named are true and bona fide owner of the said st'boat, and that no other person is the owner thereof; wherefore he prays to defend accordingly.

WM. MYERS.

Sworn to and subscribed this 11th day of Dec., A. D. 1866, before me.

GEO. F. BETTS, *U. S. Commissioner.*

BEEBE, DEAN & DONOHUE,
Proctor for Claimants.

24 (Indorsed:) Vol. . No. . United states district court for the southern district of New York. asm. . , proctor for claimant. Claim of owner. Filed the day of , 186 .

25 District court of the United States for the southern district of New York.

Filed the 11th day of Dec., 1866.

Stipulation entered into pursuant to the rules and practice of this court.

Whereas a libel was filed in this court, on the 7th day of Nov., in the year of our Lord one thousand eight hundred and sixty-six, by Ann Cavan against the st. ferry-boat D. S. Gregory and the st'boat Geo. Washington, her tackle, &c., for the reasons and causes in said libel mentioned, and praying that said vessel may be condemned & sold to pay the demands of the libellant, and the parties hereto hereby consenting that in case of default or contumacy on the part of the cl'm'ts of the Geo. Washington & their sureties, execution for the sum of two hundred & fifty dollars may issue against their goods, chattels and lands; and whereas, also, a claim has been filed in said cause by Wm. Myers and others:

Now, therefore, it is hereby stipulated and agreed for the benefit of whom it may concern, that the stipulators undersigned shall be, and each of them is hereby bound in the sum of two hundred & fifty dollars, conditioned that the cl'm'ts above named shall pay all costs and expenses which shall be awarded against them by the final decree of this court, or, upon an appeal, by the appellate court.

WM. MYERS.
JACOB MYERS.
EGBERT MYERS.
MICHAEL SHERNN.

Taken and acknowledged, this 11th day of Dec., 1866, before me.
GEO. F. BETTS,
U. S. Commissioner.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

W. Myers, Jacob Myers, Egbert Myers, & Michael Shernn, part to the above stipulation, being duly sworn, ea'h doth depose and say, said Wm. Myers, that he resides in the city of New York; Jacob Myers & Egbert Myers, in the State of New Jersey; Michel Shernn, in Athens, N. Y.; & each that he is worth the sum of five hundred dollars over and above all his just debts and liabilities.

WM. MYERS.
JACOB MYERS.
EGBERT MYERS.
MICHAEL SHERNN.

Sworn to, this 11th day of Dec'r, 1866, before me.
GEO. F. BETTS,
U. S. Commissioner.

Recorded the 11 day of Dec., 1866.

, *Clerk.*

26

27 District court of the United States for the southern district of New York.—In admiralty.

Filed the 11th day of Dec'r, 1866.

Stipulation entered into pursuant to the rules and practice of this court.,

Whereas a libel was filed on the 7th day of Nov., in the year of our Lord one thousand eight hundred and sixty-six, by Ann Cavan against the steam ferry-boat D. S. Gregory, her tackle, &c., & the st'boat Geo. Washington, her tackle, &c., for the reasons and causes in the said libel mentioned; and whereas the said steamboat Geo. Washington, her tackle, &c., is in the custody of the marshal, under the process issued in pursuance of the prayer of said libel; & whereas it has been consented that said st'boat Geo. Washington, her tackle, &c., may be discharged from custody on the cl'm'ts' executing stipulations for costs & value, the latter in the sum of ten thousand dollars, as appears from said consent now on file in said court; and the parties hereto hereby consenting and agreeing, that in case of default or contumacy on the part of the cl'm'ts or their sureties, execution for the above amount may issue against their goods, chattels, and lands:

Now, therefore, the condition of this stipulation is such, that if the stipulators undersigned, shall, at any time, upon the interlocutory or final order or decree of the said district court, or of any appellate court to which the above-named suit may proceed, and upon notice of such order or decree, to Beebe, Dean & Donohue, esquires, proctors for the claimants of said st'b't Geo. Washington, abide by and pay the money awarded by the final decree rendered by the court, or the appellate court if any appeal intervene, then this stipulation to be void; otherwise to remain in full force and virtue.

WM. MYERS.
JACOB MYERS.
EGBERT MYERS.
MICHAEL SHERM.

Taken and acknowledged, this 11th day of Dec., 1866, before me.
GEO. F. BETTS,
U. S. Commissioner.

28 SOUTHERN DISTRICT OF NEW YORK, *ss:*

Wm. Myers, Egbert Myers, Jacob Myers, & Michael Sherm, parties to the above stipulation, being duly sworn, each deposes and says: said Wm. Myers, that he resides in the city of N. Y.; said Egbert & Jacob Myers, in Hudson Co., State of New Jersey, & Michael Sherm that he resides in the village of Athens, Green Co.; that he is worth the sum of twenty thousand dollars over and above all his just debts and liabilities.

WM. MYERS.
JACOB MYERS.
EGBERT MYERS.
MICHAEL SHERM.

Sworn to, this 11 day of Dec., 1866, before me.
GEO. F. BETTS,
U. S. Commissioner.

Recorded this 11th day of Dec., 1866.
J. A. OSBORN, *U. S. Com.*

29 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms in the city of New York, on Monday, the 17th day of Dec'r, in the year of our Lord one thousand eight hundred and sixty-six:

Present, the Honorable Chas. L. Benedict, district judge.

THE ST'B'T GEORGE WASHINGTON, &c.,
ads.
ANN CAVAN.

On filing consent to stipulate, signed by T. W. Adams, pr. for libel'nt, & the terms being complied with, on motion of Beebe, Dean & Donohue, proctors for the cla'm'ts of the st'boat Geo. Washington, &c., be discharged from custody, the stipulation for value to represent said vessel in the above entitled action, and that the appearance of said cl'm'ts, & the same is hereby ent'r'd herein.

30 (Indorsed:) Vol. No. United States district court for the southern district of New York. Order. proctor for . Filed the 17th day of Dec'r, 1866.

31 U. S. district court, southern district of New York.

ANN CAVAN
vs.
THE STEAMBOAT D. S. GREGORY, impleaded with steamboat George Washington.

To the Hon. Samuel R. Betts, judge of the district court of the United States for the southern district of New York:

The answer of the New Jersey Railroad and Transportation Company

of the State of New Jersey, intervening for their interest in the ferry-boat "D. S. Gregory," impleaded with the steamboat "George Washington," to the libel of Ann Cavan, answers and avers—

1. That these claimants are ignorant of the matter contained in the third and fourth articles of said libel relating to the taking of passage by the libellant, Ann Cavan, on the ferry-boat "D. S. Gregory," and of the injuries received in the collision of said steam ferry-boat with steamboat "George Washington," and to the effect of those injuries since said collision, and therefore denies the same.

32 They deny the allegations in the article of said libel relating to said collision being caused by negligence or want of skill in management of said steam ferry-boat D. S. Gregory, and aver that same are falsely alleged.

They admit the first, second, and sixth articles of said libel, and deny the seventh thereof, but admit the jurisdiction of this honorable court.

2d. And for further answer herein these claimants aver:

That on the sixteenth day of September, eighteen hundred and sixty-six, at about twenty minutes past ten o'clock in the forenoon, said steam ferry-boat "D.S.Gregory," being staunch, well manned, and well provided in all respects, left her slip at Jersey City, State of New Jersey, under the charge of a skillful pilot, with passengers, and directed her course in a northeasterly direction so as to cross over the Hudson River into the slip known as the Desbrosses str. slip, the accustomed route of said "D. S. Gregory" in transferring passengers from one side of said river to the other, and that, while on said passage, the said pilot of said Gregory discovered approaching and coming down said river in a southerly course said steamboat "George Washington," said "Washington" then being about six hundred yards off; and that when said "Gregory"

33 was about five hundred yards off from said "Washington" and about the same distance from said Desbrosses street slip, the pilot of said Gregory gave as a signal one short distinct blast of the steam-whistle, which indicated his intention to port his helm, and pass to the right of said "George Washington," and at the same time he gave said signal, he ported his helm with the expectation that said Washington would port her helm and pass to the right of said "Gregory," in accordance with the signal long established by the laws of navigation; that said signal was loud and distinct, sufficient to be heard on board of said steamboat "George Washington," but the pilot of said steamboat "George Washington" entirely disregarded said signal of said steam ferry-boat "D. S. Gregory," and continued her course in the same direction, and at the same rate of speed, which was about 12 miles an hour; that thereafter, and when said Washington had approached to within about three hundred yards of said Gregory, said signal of one short distinct blast of the steam-whistle was again given and again disregarded by said "Washington," whereupon said Gregory stopped her engine, the speed of said "Gregory" then being about seven miles an hour.

The said steamboat "George Washington," in total disregard of said signals given by said ferry-boat "D. S. Gregory," continued her

34 course without the slightest perceptible deviation, approaching the said "Gregory;" the latter having, by means of porting her helm, changed her course more easterly; but the said "Washington" did not change her course at all, and did not stop her engine or moderate her speed until within fifteen or twenty yards of said "Gregory," and then with her speed, with little, if any, diminished, ran violently into the said "Gregory" at right angles, striking her on the port side

about forty-five feet from her bow, cutting through her guards and joiner work, forcing the stem of the "Washington" into the hull of the "Gregory" about the distance of twelve feet, leaving a portion of the stem of the "Washington" in the woodwork of the "Gregory," causing great injury to said steam ferry-boat "D. S. Gregory" and passengers thereon.

3. That these claimants deny that said collision occurred in consequence of the negligence and want of care, attention, or skill on the part of those in charge of said steam ferry-boat "D. S. Gregory," and aver that said collision was caused wholly by the negligence, carelessness, and want of skill of those in charge of said steamboat "George Washington," and in said "Washington" not obeying the signal or signals of said "Gregory," and in not stopping her engines in sufficient time
35 to avoid the collision, and in the total disregard of the laws of navigation and the regulations of the port of New York, and in not replying to said "Gregory" by some authorized signal, and that said "Gregory" in no way contributed to said collision but was in all respects managed with all skill and care, according to the laws of navigation and the regulations of the port of New York.

4. That claimants deny all and singular the allegations inconsistent with this answer.

5. That all and singular these premises are true.

Wherefore these claimants would pray that this honorable court be pleased to pronounce against the libel aforesaid, and to condemn libellant in costs, and otherwise law and justice administer in the premises, as the said court shall see fit.

ALFRED L. DENNIS, *Pres'd't.*

Sworn to before me this twenty-seventh day of November, 1866.

JAMES BETTS METCALF,
U. S. Commissioner.

JOSEPH C. JACKSON,
Proctor for Claimants, the N. J. R. R. & T. Co., 16 Wall st., N. Y.

36 (Endorsed:) U. S. district court, southern dist. N. Y.—20274. Ann Cavan vs. the steam ferry-boat "D. S. Gregory," impleaded with steamboat "George Washington." Copy answer.

Due service of a copy of within answer is hereby admitted.
New York, November 27, 1866.

THATCHER M. ADAMS,
Proctor for Libellant.

Filed January 2, 1867.

Joseph C. Jackson, proctor for claimants, the st. ferry-boat "D. S. Gregory," 16 Wall st. N. Y.

37 To the Honorable Samuel R. Betts, judge of the district court of the United States for the southern district of New York:

The answer of William Myers, Jacob Myers, Egbert Myers, and Michael Sherman, claimants of the steamboat Washington, her tackle, &c., to the libel of Ann Cavan, respectfully shows—

First. That the claimants admit that the matters stated in the first article of the libel are substantially true, except that they deny that the said ferry-boat was regularly licensed or prepared to run, or manned and officered.

Second. That the claimants further answer, say that the said steam-

boat Washington, owned by these claimants, was used by them for chartering to others for excursions; and that all other matters in the second article they deny.

Third. That the claimants have no knowledge of the matter stated in the third article of the libel, deny the same, and leave the libellant to prove the same, except where hereinafter admitted, that the truth in regard to the collision is, that while the said steamboat George Washington was on a trip down the North River, in the usual track going down, the said steamboat D. S. Gregory was going across North River, and
38 that, in the usual course of things, the said D. S. Gregory would pass under the said steamboat Washington's stern; but that in consequence of the incompetence and want of skill of those on the said D. S. Gregory, they approached the said Washington, and these on the said steamboat George Washington blew two blasts, which indicated they were going ahead of the Gregory; that finding no attention was paid to such notice, the person on the George Washington, also finding that the said D. S. Gregory was attempting to pass ahead of the said steamboat Washington, stopped & backed her, but could not avoid the collision.

Fourth. The claimants denies the statements in the fourth article of the libel and each of them, and denies the right of the libellant to any relief against the defendants.

Fifth. That the claimants deny the statements in the fifth article of the libel.

Sixth. The claimants admit that the said steamboat D. S. Gregory and George Washington are now and were at the time of filing the libel herein in this district.

Seventh. That the said collision occurred on Sunday, the 16th day of September, 1866, and at the time the said plaintiff was travelling
39 in the State, in violation of a law of the State of New York, and was guilty of an offence against the laws of the State of New York, and cannot therefore recover herein, as such injuries as she did receive were received while so violating such law of the State of New York.

Eighth. That all and singular the statements hereinbefore set forth are true, and in such particulars as the statement of the libel are not herein admitted the said libel is untrue.

Wherefore the claimants pray that the libel herein may be dismissed with costs, or that the claimants should have such further or other order or relief as shall to law and justice appertain.

(Signed) WM. MEYER,
By C. DONOHUE, *Att'y.*

Sworn to before me, this 29th day of January, A. D. 1867.
JOHN A. OSBORN,
U. S. Com'r.

BEEBE, DEAN & DONOHUE, *for Cl'm't.*

(Endorsed:) U. S. district court. 20—274. Steamboat George
40 Washington, &c., ads. Ann Cavan. Copy answer. Beebe, Dean & Donohue, for cl'm'ts.
Filed Jan'y 29, 1867.

41 Cause adj'd to 11 a. m., to-morrow.

JANUARY 24th.—Cause continued.
This cause being still on hearing, Mr. C. Donohue concludes arguement

on behalf of the claimant, George Washington. Mr. Van Santvoord closes for the libellant. Points to be handed in.

C. A. V.

42

43 U. S. dist. court, southern dist. of New York.—Before Judge Blatchford.

ANN CAVAN
vs.
STEAM FERRY-BOAT D. S. GREGORY AND steamboat George Washington.

Appearances.

For libellant, Messrs. Adams & Van Santvoord.
For the claimants of the D. S. Gregory, Messrs. Webster & Jackson.
For the claimants of the Geo. Washington, Messers. Beebe & Donohue.

44

45 William C. A. Fenchs, called for libellant, sworn:

Direct examination by Mr. Van Santvoord:

Q. Where did you reside in September, 1866?

A. Jersey City, sir.

Q. What is your occupation?

A. Artist.

Q. Were you a passenger on board the ferry-boat D. S. Gregory at the time of this collision?

A. Yes, sir.

Q. Where did the ferry-boat start from?

A. She started from Jersey City, at the foot of Montgomery street, at her slip in Jersey City.

Q. She was bound to where?

A. She was bound to New York, at the foot of Desbrosses street.

Q. Did you see the Washington before the collision?

A. Yes, sir.

Q. On what part of the ferry-boat were you when you first saw the Washington?

A. I was in the ladies' cabin.

Q. On which side?

A. On the left-hand side.

Q. Which end of the cabin?

A. Forward; the front part of the vessel.

Q. Nearest to the New York end?

A. Yes, sir.

46 Q. When you first saw the Washington, where was the ferry-boat, on which side of the river?

A. The ferry-boat must have been when I saw the Washington a little over one-half or about the middle of the river—more to the New York side.

Q. You think about the middle of the river?

A. More to the New York side.

Q. Where was the Washington?

A. The Washington was steaming down from up the river and parallel to the pier.

boat Washington, owned by these claimants, was used by them for chartering to others for excursions; and that all other matters in the second article they deny.

Third. That the claimants have no knowledge of the matter stated in the third article of the libel, deny the same, and leave the libellant to prove the same, except where hereinafter admitted, that the truth in regard to the collision is, that while the said steamboat George Washington was on a trip down the North River, in the usual track going down, the said steamboat D. S. Gregory was going across North River, and
38 that, in the usual course of things, the said D. S. Gregory would pass under the said steamboat Washington's stern; but that in consequence of the incompetence and want of skill of those on the said D. S. Gregory, they approached the said Washington, and these on the said steamboat George Washington blew two blasts, which indicated they were going ahead of the Gregory; that finding no attention was paid to such notice, the person on the George Washington, also finding that the said D. S. Gregory was attempting to pass ahead of the said steamboat Washington, stopped & backed her, but could not avoid the collision.

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Sixth. The claimants admit that the said steamboat D. S. Gregory and George Washington are now and were at the time of filing the libel herein in this district.

Seventh. That the said collision occurred on Sunday, the 16th day of September, 1866, and at the time the said plaintiff was travelling
39 in the State, in violation of a law of the State of New York, and was guilty of an offence against the laws of the State of New York, and cannot therefore recover herein, as such injuries as she did receive were received while so violating such law of the State of New York.

Eighth. That all and singular the statements hereinbefore set forth are true, and in such particulars as the statement of the libel are not herein admitted the said libel is untrue.

Wherefore the claimants pray that the libel herein may be dismissed with costs, or that the claimants should have such further or other order or relief as shall to law and justice appertain.

(Signed) WM. MEYER,
By C. DONOHUE, *Att'y.*

Sworn to before me, this 29th day of January, A. D. 1867.
JOHN A. OSBORN,
U. S. Com'r.

BEEBE, DEAN & DONOHUE, *for Cl'm't.*

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Direct examination by Mr. Van Santvoord:

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A. Jersey City, sir.
Q. What is your occupation?
A. Artist.
Q. Were you a passenger on board the ferry-boat D. S. Gregory at the time of this collision?
A. Yes, sir.
Q. Where did the ferry-boat start from?
A. She started from Jersey City, at the foot of Montgomery street, at her slip in Jersey City.
Q. She was bound to where?
A. She was bound to New York, at the foot of Desbrosses street.
Q. Did you see the Washington before the collision?
A. Yes, sir.
Q. On what part of the ferry-boat were you when you first saw the Washington?
A. I was in the ladies' cabin.
Q. On which side?
A. On the left-hand side.
Q. Which end of the cabin?
A. Forward; the front part of the vessel.
Q. Nearest to the New York end?
A. Yes, sir.

46 Q. When you first saw the Washington, where was the ferry-boat, on which side of the river?
A. The ferry-boat must have been when I saw the Washington a little over one-half or about the middle of the river—more to the New York side.
Q. You think about the middle of the river?
A. More to the New York side.
Q. Where was the Washington?
A. The Washington was steaming down from up the river and parallel to the pier.

Q. Did you see them come together?

A. Yes, sir; and felt her too.

Q. Can you state how they did come together; what part of the Washington struck what part of the ferry-boat?

A. The Washington struck the ferry-boat just about where I was standing in the ladies' cabin. I forget how many feet, perhaps a third from the fo'ward door on the New York side.

Q. What sort of a day was it?

A. A very clear day, sir.

Q. No fog?

A. No, sir; none.

Did you observe wether there were any obstructions in the
47 river, any other vessels about there?

A. No, sir; none whatever, that I could see.

Q. Before they struck had either vessel slowed or stopped; how was it?

A. It is my impression both vessels went at the same speed. The ferry-boat, certainly, at the same speed as usual, which these ferry-boats go.

Q. They were both going ahead?

A. Yes, sir.

Q. Did they come together with much violence?

A. Yes, sir; I should think so.

Q. What was done?

A. The Washington went like a knife in a cheese, smooth into the other boat, up to, and mostly very nearly the middle, breaking everything that came before her.

Q. Did it cut through the guard?

A. Yes, sir.

Q. And cut through the ladies' cabin?

A. Cut through the ladies' cabin up to the horse-path, and stove in the side of the cabin.

Q. Did you hear any signals?

A. I heard a jingling bell just about the moment, or just before it struck—a jingling bell on the D. S. Gregory; like a table bell, rung violently.

48 Q. Did you hear any whistle blown?

A. No, sir; not that I can remember.

Q. On either boat?

A. Not on either boat.

Q. Did you see the libellant, Miss Cavan?

A. I believe I have seen her, but I did not know her; I saw the persons taken out; those that were wounded; I must have seen her, because I saw them all taken out.

Q. How near were you to the place where the Washington and the Gregory came in contact?

A. I was about the place where she struck.

Q. How did you get away yourself?

A. I made one leap to the door?

Q. You were not injured?

A. No, sir; except a few bruises on the back; the timbers fell on my back.

Q. Were these persons with you who were injured?

A. Yes, sir; my wife and little boy.

Cross-examined by Mr. Donohue:

Q. What first called your attention to the Washington?

A. I was standing up in the cabin looking out.
49 Q. About how far apart were the boats?
A. They were not far apart when I first saw them.
Q. Did you keep looking at her all the time?
A. Yes, sir.
Q. Up to the time of the collision?
A. Yes, sir.
Q. How long before they come together did you move away from there?
A. Perhaps 10 minutes or 15 minutes.
Q. How far were they off when you moved away?
A. I was as near as this building, (building at the back of court-room.)
Q. A few feet?
A. Yes, sir; a few feet.

Charles F. Wreaks, called for libellant, sworn, testified as follows:
Q. Where did you reside in September, 1866?
A. Jersey City.
Q. What was your business?
A. Broker.
Q. What kind of a broker?
A. Insurance.
Q. And an average adjuster?
A. Yes, sir.
Q. Were you on the ferry-boat D. S. Gregory, at the time of the collision with the Washington, in September, 1866?
50 A. Yes, sir; I was.
Q. A passenger there?
A. Passenger.
Q. Where did she start from, and where was she bound to?
A. She started from the foot of Montgomery street, Jersey City.
Q. And bound where?
A. To New York, Desbrosses street.
Q. Did you see the Washington before the collision?
A. I did.
Q. On what part of the Gregory were you when you first saw the Washington?
A. In front of the ladies' cabin outside, at the extremity of the bulwarks.
Q. Which side of the boat, right or left?
A. On the left side.
Q. Next to the railing?
A. Next to the railing, at the edge of the gaurds; outside of the ferry-boat there is a rail that runs from the bow; I was standing just at the edge of that rail next to the cabin.
Q. Outside of the partition?
A. Outside of the partition.
Q. Under the cover?
A. Outside of that.
Q. The cover was not over your head?
51 A. No, sir.
Q. Where was the fery-boat at that time?
A. Near her slip, in New York.
Q. On the New York side?
A. On the New York side.
Q. Where was the Washington?

A. Coming down the river in a southerly direction.

Q. In reference to the Gregory, where was she; nearer shore, or how was that?

A. I don't understand exactly.

Q. You say the Gregory was near her slip, and the Washington was coming down the river?

A. Yes, sir; the Gregory was near the Desbrosses st. ferry, going in about a northeasterly direction. The Washington was coming down the river apparently, as far as I can remember, in a straight line, straight down the river.

Q. Parallel with the ends of the pier?

A. Parallel with the river, in a southerly direction.

Q. Then you saw them come together?

A. I saw them just before the collission took place.

Q. When you first saw the Washington, did you apprehend danger of a collission?

A. I did; so much so, that I changed my place.

52 Q. Where did you go to?

A. I went to the further side of the boat, outside of the gentleman's cabin, towards the centre of the boat, and waited for what I considered an inevitable collission. I was where the gentleman's cabin joins the place where the carriages are, on the outside.

Q. (By Mr. Beebe.) You did not go inside the cabin?

A. No, sir; I stood where I could see everything perfectly; I stood in the horse gangway, on the far side.

Q. On the right or starboard side?

A. Yes, sir.

Q. Did you notice whether either boat stopped?

A. I don't remember; I cannot remember anything about that; I saw the danger and retreated from it, and in an instant everything was over.

Q. Do you remember wether either boat was going ahead?

A. I cannot.

Q. Did you hear any signals on either?

A. I did not.

Q. Did you hear any bell ring or whistle?

I do not remember.

Was the blow violent or otherwise?

53 A. The bow of the Washington struck the Gregory, and the first kno'ledge I had of the collission was seeing the inside walls of the ladies' cabin tumbling down, and the passengers sitting there under the ruins.

Q. Did you see any passengers draw out from under the ruins?

A. I assisted to draw one women out, and also to break the boards to help her out.

Q. Do you know what woman that was; was that Ann Cavan?

A. It was not Ann Cavan.

Q. Did you know Ann Cavan, the libellant?

A. I did not.

Q. Have you seen her since?

A. I saw her at the time of the accident.

Q. Where did you see her?

A. I saw her sitting with her back to the front of the middle place in the boat where the machinery goes.

Q. The joiner-work around the engine?

A. The joiner-work enclosing the machinery. I saw her sitting with her back up against the front part of this joiner-work.

Q. That was after the collission?

54 A. Yes, sir; after the collission.

Q. What was her condition?

A. She seemed to me as if she was going to die; she looked pale. I paid no attention to her; I thought it was impossible to do anything for her comfort.

Q. Did you assist in getting out any of the other passengers?

A. None but this woman and her child; they seemed to me the worst wounded.

Q. What sort of a day was it?

A. Clear.

Q. Were any vessels in the way, or other obstructions?

A. None that I observed.

Cross-examined by Mr. Jackson:

Q. You were considerably excited at the time of the accident, were you not?

A. I was.

Q. You were very much excited, were you not?

A. Not so much as that, I should think.

Q. As what?

A. You say very much; I was not very much. I was excited, undoubtedly.

55 Cross-examined by Mr. Donohue:

Q. How far were the vessels apart when you first saw them? You say when you first saw them you expected a collission?

A. Yes, sir. I had no idea of the distance. I could not pretend to say how far they were apart. They were near enough to cause me to change my place with considerable rapidity.

Q. You changed it rapidly?

A. I did, sir.

Q. How soon after you got to your changed place did the collission occur; almost immediately?

A. Almost immediately.

Re direct by Mr. Van Santvoord:

Q. Can you give us any idea how near the line of docks the place of collision was?

A. I cannot tell you, sir; I have no idea of distance; it seemed to me we were nearly in, that is all I can say; wether it was two or three hundred feet, I don't know.

Mr. Adams read two depositions of Ann Cavan; one dated January, and the other Febuary.

56 Theordore R. Varick, called for libellent, sworn, testified as follows:

Q. Where do you reside?

A. 105 Washington st., Jersey City.

Q. Where did you reside in 1866?

A. Same place, sir.

Q. What is your profession?

A. Physician.

Q. Does that include surgery?

A. Yes, sir.

Q. Are you acquainted with the libellant, Ann Cavan?

A. I am.

Q. Were you before September, 1866?
A. I was.
Q. Where did you know her?
A. I have known her in her capacity as nurse in Mr. Schuyler's family.
Q. Did you see her after this accident?
A. I did.
Q. Where?
A. I first saw her in a coach in front of my door.
Q. When was that?
A. That was on Sunday, the 16th of September, 1866.
Q. Where and how was she going?
A. She was in a coach, with her leg up upon the cushions, the
57 [the] cushions being placed on a board resting on the two seats of the coach; she was on her way to Bergen Point.
Q. Did you examine her to see what her condition was?
A. At that time I examined her sufficiently to satisfy myself that there was a fracture of the leg.
Q. When next did you see her?
A. After she got home to Bergen Point.
Q. Did you examine her further there?
A. I did.
Q. What was her condition then?
A. I found a comminuted fracture of the right leg.
Q. What is that?
A. Where a bone has more than one fracture, it is known as a comminuted fracture; that is, broken in several peices.
Q. In how many peices was this broken?
A. There were three distinct transverse fractures of both bones of the leg between the ankle and the knee, and also the lower part of the leg bone was crushed like an egg-shell fracture, all smashed up, the bone.
Q. Was her other leg injured?
58 A. There was a break of the fibula of the left leg; also some flesh wounds about the face and scalp.
Q. This fracture of the left leg, I suppose, was an ordinary fracture?
A. That was an ordinary fracture.
Q. In regard to this other leg, can you give us an idea of its condition beyond what you have?
A. Except that the soft parts were necessarily exceedingly contused, and a great deal swollen.
Q. Was there any strength in the leg?
A. No strength whatever; nothing but as if the soft parts were there.
Q. Did you treat the from that time on?
A. I did.
Q. For how long a period did you attend her?
A. I attended her from the 16th of September; my last regular professional visit was made in May, 1867.
Q. Have you got the date in May?
A. I have not; sometime during the month of May, 1867.
Q. During that time how was she as to helpfulness?
59 A. She was nearly helpless a greater portion of the time.
Q. Did the break in the left leg aggravate her condition at all, together with the breaks in her right leg?
A. It did, most unquestionably.
Q. Could she help herself at all in bed?
A. No, sir.
Q. She required constant attention?

A. She required constant attention and lifting.

Q. Was there any time, and, if so, how long, before she was able to help herself at all in the bed?

A. As near as I can reccolect 6 or 8 weeks before she was able to move herself at all, before she was able to asume a sitting position.

Q. Are those injuries calculated to cause any pain and suffering?

A. Yes, sir; very severe.

Q. Do you know wether she could sleep?

A. She slept with the aid of anodynes.

Q. In what condition have these breaks left the limbs; so far as they are repaired, are the limbs useful to her?

60 A. Considering the nature of the injury she has a very good leg. The leg is somewhat shortend, and the lower portion thickend by the excessive ossific deposits which was necessarily the result of the nature of the fracture, and there is a very small amount of motion at the ankle joint; the motion and flexsion of the foot are imparied by the character of the accident.

Q. Was the case at all critical?

A. It was, so far as the ultimate saving of the limb was concerned.

Q. As to her life?

A. Of course, where an amputation results the life would necessarily be in jeopardy.

Q. In what condition has it left her as to permanent disability?

A. My impression is there is a permanent disability from the permanent impairment of the motion of the ankle joint; also from shortening of the limb; but that in itself does not amount to much; and at times she suffers a severe amount of pain, especially in damp weather or stormy weather.

Q. Is she in a condition to earn her livelihood?

61 A. I should say not.

Q. Why not?

Simply because she is incapacitated from doing any hard work, and she has difficulty in getting about.

Q. You say you attended upon her from the 16th of September to some time in May; you have seen her since then?

A. Yes, sir; frequently. I saw last a week ago yesterday.

Q. State the number of your visits, and state what would be a fair compensation for your services.

A. 35 professional visits I have charged.

Q. When?

A. At Bergen Point; and according to the rates established by the laws of New Jersey ev'ry fractured tibia is assessed at one hundred dollars each; there were 3 distinct fractures; for a fracture fibula the rate allowed is $25. That is exclusive of attendence and dressing. The distance was 7 miles and a half computed from Jersey City to where the patient resided.

Q. What does the whole thing amount to?

A. The whole thing amounted to about $613, more or less.

62 Q. During the time of this sickness did she need nursing?

A. Yes, sir.

Q. That she received in Mr. Schuyler's family?

A. Yes, sir.

Cross-ex. by Mr. Jackson:

Q. Do you know whether she continues in the family of Mr. Schuyler in the same capacity?

A. She is there, and I presume in the same capacity.

63 Susannah Schuyler, called for libellant, sworn, testified as follows:

Q. You are the wife of Mr. Jacob R. Schuyler?
A. Yes, sir.
Q. Where did you reside in September, 1866?
A. At Bergen Point.
Q. Did you know the libellant, Ann Cavan?
A. I do.
Q. How long have you known her?
A. It will be 15 years in March since I first saw her.
Q. And had she been in your employment during that period?
A. That will be 15 years in July.
Q. In what capacity?
A. As nurse.
Q. When did you first see her after this accident on the Gregory?
A. I saw her in a carriage in front of Dr. Varick's door.
Q. That was on the sixteenth of September?
A. The 16th of September.
Q. She was then on her way to your house?
A. Yes, sir.

Q. What was her condition so far as you observed it?

64 A. She seemed to be suffering very much, and was very weak and faint.

Q. Did you accompany her to your house?
A. I did, sir. I got in the carriage with her and rode there.
Q. She was confined to her bed there after being taken to the house?
A. Yes, sir. I think she was confined to her bed entirely six weeks before she was moved.
Q. Without being once moved?
A. Yes, sir.
Q. She had been moved in bed before that?
Q. How long before that?
A. I think the first time we attempted to move her was about two weeks after the accident.
Q. Was she able to help herself at that time?
A. Not at all.
Q. Did she appear to suffer with pain?
A. Very much indeed.
Q. Did she get any sleep?
A. Not without anodynes for weeks. I do not know how many.
Q. What physician attended her?
A. Dr. Varick.
Q. Did she require nursing?
A. Yes, sir; constant nursing.
Q. How long was it after she left her bed before she was able to go about?

65 A. She first attempted to walk with crutches across the floor about Christmas, and walked partly across with two to help her, and fainted before she got back; that was the first time, about Christmas.

Q. That was December, 1866, I suppose?
A. Yes, sir.
Q. Then after that?
A. After that she, with help, walked a little, I suppose, every day, and about March she first attempted to walk without any help.
Q. With what success?
A. She managed to go partly across the floor.

Q. Was she able to go up or down stairs?

A. The first time, about the 3d of June, I think, on the 3d of June, and then she fainted before she got down.

Q. Was that June, 1867?

A. Yes, sir.

Q. She is still with you in your family?

A. Yes, sir.

Q. In your employment?

A. Yes, sir.

Q. Is she able to perform the duties she was before this hurt?

A. No, sir; not at all.

66 Q. She is able to catechise the children, I take it?

A. She is able to take a great deal of charge, but not able to go about as she did before; she cannot work as she did then.

Q. Is her condition such that she could get employment with strangers?

A. I suppose not. She is very lame.

Q. How as to strength?

A. She is not so strong as she was before; she is nervous, more so than she used to be.

Q. Do you know whether she suffers any pain now?

A. Yes, sir; I think all the time; always when she moves, and a great part of the time when she is at rest.

The libellant rests, with the exception of calling Dr. Parker.

Mr. Jackson opened the case for the claimants of the Gregory, and called—

John Smack, who, being duly sworn, testified as follows:

Q. What is your occupation?

A. Pilot.

67 Q. How long have you been a pilot?

A. I have been in charge of a boat about 13 years.

Q. Where?

A. I had charge of the ferry-boats of the New Jersey Railroad and Transportation Company for about six years. I was with the Staten Island Ferry-boat Company, running with the Josephine and the Sylph and different boats. I have been steamboating all my life; in fact, I was raised pretty much in the steamboat life.

Q. Were you the pilot of the steamboat D. S. Gregory at the time of the collision, September 16th, 1866.

A. Yes, sir.

Q. When did you first see the George Washington on that day, at the time of the collision?

A. I saw her above our ship, coming down the New York side, as I was approaching the New York side.

Q. How far off was the Washington from you at the time?

A. I should judge she was 600 yards above me.

Q. Where were you, and in what direction going?

68 A. I had left Jersey City bound for New York, and when about, I should judge, 600 yards off from the New York side, I saw the Washington coming down, I should judge, about 200 yards off the dock, westward.

Q. Where were you going, and where were you?

A. I left Jersey City bound for Desbrosses street, in about a north-easterly course.

Q. At what point did you leave Jersey City?

A. I left foot of Montgomery street.
Q. What point were you steering for?
A. For the foot of Desbrosses street—the New York side.
Q. Where was your boat when you first saw the Washington coming down?
A. I was coming across from Jersey City bound to Desbrosses street.
Q. How far out were you from the New York side?
A. I should judge about 600 yards from the New York side.
Q. How far were you up the river?
A. I was about on a line with pier 39, as much as I could judge about it, perhaps 75 yards to the southward of our slip, south of Desbrosses street slip.

69 Q. When you saw the Washington, what was she doing?
A. She was coming down the river, along the New York shore.
Q. What did you do then?
A. I should judge that I was about 600 yards off from the Washington. I blew one whistle, that I would pass to the right. Immediately after blowing the whistle I threw my wheel aport, which threw my boat's head to the right. I looked, and I received no answer from the Washington at all until my boat was fast swinging to the right; and I blew again one distinct blast, and received no answer.
Q. How long after the first blast?
A. I should judge perhaps 20 or 25 seconds, or about there. After I blew my second whistle, the position my boat was in, and the position that the Washington was in, I saw the only alternative I had was to keep my course, and do my best to get out of his way, if possible. He never slacked her speed.

Q. At what rate were you running at this time?
70 A. I should judge about nine or ten miles an hour.
Q. What rate about was the Washington going?
A. I should judge—I could not say exactly—but about 12 miles, perhaps.
Q. Did the Washington give any signal?
A. No signal at all.
Q. Did she change her course on your signals?
A. Not that I could perceive.
Q. You kept on your course, and what happened?
A. He struck me on my port side, about 45 feet from the bow.
Q. About 45 feet from the New York end?
A. Yes, sir.
Q. What was the result of the blow?
A. The stem of his boat cut through my guard, cut across the cabin, and the stem struck the hull of my boat, which, I should judge, was about 10 or 11 feet across, and stuck his stem into the hull of my boat.
Q. What did you do, stop then?

A. Immediately, when he struck me, I stopped.
71 Q. Did you have any look-out on the boat besides yourself? Any hands around working?
A. My hands were down on the deck, around where their places was.
Q. Was the speed of the Washington abated any when she struck you, as far as you could see?
A. Well, I should judge when she was within about 25 feet the engine slacked somewhat.
Q. That is 25 feet of what?
A. Of my side. His engine slacked down, but I still perceived they were going ahead.

Q. Did you look at the pilot-houses of the Washington at all before the collision, to notice whether any one was there?

A. Yes, sir; I saw some three or four in there beside the pilot. I could not tell how many.

Q. What was this George Washington doing?

A. She was an excursion boat, I think.

Q. Did you give any other signals beside the two spoken of?

A. Yes, sir; I blew one still after that.

Q. When was that blown?

A. That was blown when I supposed the Washington was within 75 feet of me.

72 Q. What was that?

A. One distinct blast.

Q. Could the Washington have avoided you?

A. Very easily. If he had turned two spokes of his wheels, and thrown it apart, he would have passed under my stern. He had the whole of the North River to the westward of him when we came together, I should judge. I was off my slip about 200 yards, and about 175 yards from pier 39.

Q. Could the Washington have avoided you if they had heard the second distinct blast?

A. Yes, sir.

Q. Could you have seen or heard an ordinary signal from the Washington from where you were?

A. Yes, sir.

Q. Could they hear yours?

A. Yes, sir.

Cross-examined by Mr. Donohue:

Q. Who were on board of your vessel beside yourself?

A. I had two deck-hands.

Q. Who were they? Name them.

A. Charles Day & Samuel McArthur.

73 Q. Who put up the chains at the after-part of the boat and took the pin out of the rudder when you left the Jersey City side; did you see who did it?

A. That is something I could not say.

Q. You did not see it?

A. I could not see it.

Q. It would be the duty of both or one of those men to do it?

A. It would be the duty of one of those.

Q. But you can't tell which it was?

A. Mr. Day was the man; they generally have regular ends.

Q. Mr. Day was the man whose duty it would have been?

A. Yes, sir.

Q. Did you see either of those men coming across on that trip?

A. Yes, sir; I saw one of them on the bow of the boat rolling up hose.

Q. Which one of them?

A. Mr. McArthur.

Q. When did you see him rolling up hose?

A. Coming over on that morning.

Q. I mean on this trip, did you see either of them on this trip?

A. I think it was on that trip I saw him rolling the hose.

Q. What other crew had you on board?

A. A fireman and an engineer.

74 Q. Their place was at the engine and in the fire-room?

A. Yes, sir.

Q. Can you tell how far, in your judgment, as to the length of your boats, the two vessels were apart when you first noticed the Washington; how many times the length of your own boat off were you from the Washington when you first saw her?

A. As near as I could judge we were about 600 yards.

Q. How many times your own length?

A. It would take some little time for me to figure it?

Q. You cannot give me in lengths without figuring up the number of yards to see how many lengths you were off?

A. The way I have spoken, I judge the nearest way for me to answer you is about 600 yards.

Q. Did you steer by compass when you came across?

A. No, sir.

Q. You don't steer by compass?

A. Not without it is foggy.

Q. This morning you did not steer by compass?

A. There was no necessity for it.

Q. I ask, did you?

75 A. No, sir.

Q. Were there other ferry-boats crossing the river besides yours?

A. There are ferry-boats crossing.

Q. Were there at that time, on that trip?

A. I think there were, below us.

Q. What boats below you?

A. The Pavonia ferry-boat.

Q. Which way was she going?

A. I think she was going to Jersey.

Q. Did she go to the northward or southward of you?

A. She is below us altogether.

Q. Does not her line sometimes cross yours?

A. We do occasionally cross.

Q. Tell me then whether she passed to the southward or northward of your boat.

A. I don't recollect exactly; I know she passed ahead of me or astern; I could not say.

Q. Can you tell now what part of the river she passed you, from your recollection, on this trip?

A. Somewhere about the centre of the river.

Q. Your recollection is having seen her, but when she passed, and whether ahead or astern of you, you do not recollect?

76 A. We generally pass.

Q. Do you recollect which way she went?

A. She went to Jersey; I recollect that part.

Q. Did she go to the south or north of you in going to Jersey?

A. I don't recollect that point.

Q. Was there any other ferry-boat on the river besides yours while you were crossing?

A. Not that I was aware of; not in our course.

Q. None of the Barclay street boats?

A. I don't recollect seeing either one of those at that time.

Q. The Pavonia ferry-boat from the Jersey side to New York, do you recollect her at all?

A. I don't recollect that I saw but one boat that passed us; that was the Pavonia.

Q. As you came across, can you tell us by the compass any of the

course you took from the time you left the ferry on the other side, up to the time the collision occurred?

A. Our course to Desbrosses street.

Q. Won't you answer my question?

A. I think it was a northeasterly course.

77 Q. That is your recollection?

A. Yes, sir.

Q. Was that from the time you first started from the slip in Jersey City?

A. We may have varied a little, some half point, one way or the other; it was northeast or northeast by east, I think.

Q. Is that from recollection, or is it from your usual course?

A. That is the best of my judgment on that day.

Q. Have you any recollection of the compass course, or do you testify from a general recollection of your ordinary course?

A. I give you the course about that day.

Q. You recollect that to have been your course?

A. Yes, sir.

Q. You cannot give it within those two points?

A. That is about as near as I could judge.

Q. How was the tide?

A. The tide was flood along the docks, setting up along the docks; the tide was slack off shore; flood tide had just commenced setting up along the docks.

78 Q. Where the Washington was coming, how was it?

A. Flood tide.

Q. She was coming down against the flood?

A. Against the tide; yes, sir.

Q. Can you tell how long the flood had been running?

A. The tide had just cleverly set up; I should judge within a half or ¾ of an hour; the tide varies considerably in crossing there.

Q. Where the colllsion was, how was it?

A. It was flood tide.

Q. And had been running about half an hour at that point?

A. Or ¾ of an hour.

Q. You say you have been on the Staten Island ferry-boats; which one were you on?

A. I have been on the Josephine.

Q. When were you on the Josephine?

A. About 1852 or 1853.

Q. How long were you on her?

A. I cannot say exactly; we were changed from one boat to another.

Q. Who was captain of the Josephine at that time?

A. Captain Johnson.

Q. Were you pilot or wheelsman?

A. I was wheelsman at that time, acting as pilot.

79 Q. Which other of the Staten Island ferry-boats were you on?

A. I was on the Hunchback.

Q. How long were you on her?

A. I was on her perhaps a year.

Q. In what capacity?

A. In the wheel-house.

Q. As wheelsman?

A. As pilot.

Q. What others were you on there?

A. On the Southfield.

Q. As what?
A. In the same capacity.
Q. As pilot?
A. Yes, sir.
Q. How long?
A. I cannot say exactly; I think I was on that ferry in charge ——
Q. I don't ask you about the ferry, I am asking you about that one boat.
A. I cannot fine it right down to that. I think about a year on that boat, and we were changed.
Q. Was it on the Southfield you were a year?
A. I could not say exactly.
Q. Do you mean to testify that, to your recollection, you were about a year on the Southfield?
80 A. I cannot finesse it right down to a point.
Q. Is that as near as you can recollect?
A. I tell you I cannot finesse the answer right down to a fine point.
Q. Can you tell whether it was a month or a year you was on the Southfield?
A. I know it was quite sometime; what time I could not exactly say.
Q. Can you tell between six months and a year?
A. It may have been a year, and it may have been eighteen months.
Q. May it have been six months?
A. We were changed in such a way ——
Q. May it have been six months only?
A. I cannot remember that.
Q. Can you tell me distinctly the time you was on the Southfield, anywhere between two months and eighteen months, to be positive?
A. Have I a right to speak to the judge?
Q. (By the court.) You can tell how long you was on the Southfield?
A. I should judge, 18 months.
Q. Are you sure it was as much as a year?
A. I am sure it was as much and more than a year.
81 Q. What year was it in you were on board of her?
A. I could not finesse it right down to the exact year.
Q. Can you tell when you were on the Hunchback, what year?
A. No, sir; I cannot say positive.
Q. What year were you on the Sylph?
A. I cannot say to the exact year.
Q. Can you form any idea as to the length of your boat, how far you were off at the time you first saw the Washington?
A. I should judge, I told you, about 600 yards.
Q. You cannot give me in lengths of your own boat?
A. I take it down at about 600 yards.
Q. That is the only answer you can give to the question?
A. I could, I suppose, by taking a little time.
Q. Who first called your attention to the Washington, your own eyes, or anybody else?
A. I should judge, my own eyes.
Q. No one called your attention to it?
A. No, sir; there was no one up there except myself, in the pilot-house.
Q. You gave three distinct blasts of the whistle at different times?
A Yes, sir.
82 Q. You ported your helm at the same time?
A. I didn't understand the first question.

Q. Did you port your helm?
A. I ask you for the question ahead of that?
The COURT. You must answer the question he puts to you.
Q. Did you port your helm?
A. Yes, sir; I ported.
Q. From the time you first saw the Washington, up to the time of the collision, you had blown your whistle three distinct blasts at different times, and ported your helm?
A. I blew one whistle and received no answer from the Washington whatever. After I had blown my whistle I ported my wheel, then I looked and I saw the Washington, and she never replied at all.
Q. What I want to ask you is this: From the time you saw the Washington up to the time of the collision, you had blown three distinct blasts of the whistle, and ported your helm; had that been done between those two times, or hadn't it?
A. I ported my wheel after I had blown my first whistle.
83 The COURT. Answer that question, yes, or no.
Q. (Repeated.)
A. I kept my helm aport.
Q. Did you blow the whistle three distinct times?
A. Yes, sir.
Q. Then you had blown three distinct blasts, and had ported your helm, when the collision occurred?
A. My wheel was aport.
Q. Had you done anything else except that—anything at all?
A. In what capacity?
Q. In any capacity; had you done anything else at all?
A. I kept my boat under way.
Q. Anything else?
A. When I blew my second whistle the position of the ——
Q. Did you do anything?
A. When the Washington struck me, I stopped.
Q. Up to the time she struck you, had you done anything except what you have stated?
A. I was busy at my wheel and watching the course of the Washington.
Q. Hadn't you pulled the jingling bell?
A. Not to my recollection.
84 Q. What is the jingling bell; it is to put on all power?
A. The jingling bell answers in different ways.
Q. What does it answer for when you are under headway?
A. It answers then for to go on a little stronger.
Q. Is your recollection you hadn't rung that bell, or have you any recollection on the subject?
A. I don't recollect as to that bell exactly.
Q. Your idea is, when you were approaching the Washington, you have no recollection of having rung the jingling bell?
A. No, sir; I don't recollect.
Q. You didn't ring it after she hit you, did you?
A. No, sir.
Q. You are certain of that?
A. Yes, sir.
Q. When you first saw the Washington, you were about opposite pier 39?
A. I was keeping up in a northeasterly direction.

Q. What did you say about pier 39, when you saw the Washington first?

A. We were off or a little below pier 39, when I was going over.

85 Q. That is when you first saw the Washington?

A. We were a little below pier 39, kind of right-angling, coming across.

Q. Angling up toward pier 39?

A. Going toward pier 39, and our slip likewise, going along pretty close, the tide being flood.

86

87 Q. When you saw the Washington, did you blow the whistle as soon as you saw her?

A. I blew one whistle, and passed to the right.

Q. Was it about as soon as you saw her?

A. I blew one whistle just after I saw her.

Q. Was it just about as soon as you saw her?

A. I blew one whistle.

Q. As soon as you blew your whistle, did you port your helm?

A. Yes, sir.

Q. At the time the collision occured, had you a license?

A. Yes, sir.

Q. Are you sure of that?

A. Yes, sir.

Q. Did you at the time of the collision have a license?

A. Yes, sir; I always had a license.

Q. You didn't get it they day after?

A. No, sir; I didn't get it.

Q. Who did you get it from for that year?

A. From the inspector.

Q. Who; do you recollect?

A. I don't recollect exactly.

88 Cross-examined by Mr. Van Santvoord:

Q. How did you say the tide was?

A. Flood along the docks.

Q. In the middle of the river it was either slack or ebb?

A. About slack water.

Q. In coming out into the river with such a tide as that, how far do you come out into the river from the Jersey side before heading up? [you come out into the river from the Jersey side before heading up?]

A. I should judge about one-third of the way; we come out and gradually turn.

Q. Then would you keep on to this side before heading up, or would you go quartering?

A. That is just according to what position the tide is in.

Q. With the tide as it was then?

A. We generally come over so as to come pretty close along up to pier 39, being flood tide.

Q. Can designate your course on this map?

(Witness explains on the map, and marks line No. 1 as the course.)

89 Q. Which part of the river were you when you blew the first blast of the whistle?

A. I was on the New York side.

Q. Well over on the New York side?

A. Yes, sir.

Q. Do you know how long your boat is?
A. Yes, sir.
Q. How long is it?
A. I think 195 feet keel, or rather she is a little longer now, she has been lengthened since then; she was then about 195 or 190 feet, I won't be certain.
Q. Was the distance from your boat to the Washington, at the time you first saw the Washington, as much as three times the length of your boat?
A. That would not be but about 600 feet, and I told you it was about 600 yards.
Q. Was it as much as three times the length of your boat?
A. It was more than that.
Q. You think it was more than that?
A. Certainly.
Q. How much more than three times the length of your boat? Are you calculating the number of feet?
A. I want to calculate the number of feet, certainly. I judge we were about 8 b't lengths and a half, or somewhere about there.
90 Q. How many yards wide is the river there?
A. I can't say exactly.
Q. Do you know where Beach street is?
A. Yes, sir.
Q. How many yards is Beach street below the pier at the foot of Vestry street, according to your recollection?
A. I don't know the streets exactly; I know the piers.
Q. From pier 37 to pier 39, how many yards is it?
A. Below pier 39 there is a large space there; I cannot say exactly.
Q. How near do you think it is; you have been there a great many times.
A. I should judge 7 or 800 yards, as near as I could judge.
Q. That would be your estimate of the distance?
A. As near as I could think; or 6 or 700 yards—somewhere about that.
Q. What point on the river where you, when you blew the first whistle; opposite what pier were you?
A. A little below Vestry street, kind of right-angling; coming across in [in] this direction.
91 Q. You where not as far down as Beach street?
A. No, sir.
Q. All you did beside blowing, to avoid the collision, so far as you can remember, was to put your helm aport, watching the Washington; you didn't ring any bells to slow, stop, or back, until the collision?
A. Not until she struck me.
Q. You watched the Washington after you blew the first whistle, and she didn't change her course?
A. She made no reply at all, whatever.
Q. She didn't change her course?
A. Not that I could see; she was coming right straight down.
Q. As she was coming down the river, she was on a course crossing your bow, as you was standing it towards the shore?
A. She was coming down and we was coming up, at sort of right angles.
Q. When you first saw her, who was nearest the New York shore, your boat or the Washington?

A. The Washington was comington down along the New York shore; I should judge about 200 or 250 yards off, above our slip.

92 Q. Are you sure you had your license the day of this collision?

A. I have always had a license.

Q. Did you have it at this day?

A. Certainly, I had it.

Q. Where was it?

A. I my posession.

Q. In your posession; on board your boat, or where?

A. Sometimes it is not on board our boat; we have it sometimes in a trunk, and sometimes in our pocket.

Q. (By the court.) Do you remember where it was then?

A. I think it was in my trunk.

Q. On shore?

A. On shore; yes, sir.

Q. Didn't you go the next day after the collision to the inspector's to get a license?

A. I don't recollect as I did.

Re-cross-examination by Mr. Donohue:

Q. Are you in the employ of this company?

A. Yes, sir.

Q. Have you been ever since the collision?

A. Yes, sir.

Q. Are you sure?

A. Yes, sir.

93 Q. Can you tell me about where opposite New York the Washington was, wen you saw her; opposite what street or pier?

A. Somewhere about off Canal street.

(Witness marks on the map line No. 2, the cours with the ebb-tide.)

Re-direct by Mr. Jackson:

Q. When you where in these different boats of the Staten Island ferry, how long in all were you in the employ of Staten Island Ferry Company?

A. I was in the employ of the Staten Islant Ferry Company nearly ten years.

Q. How many trips a day do you make on the New Jersey ferry?

A. We make a tripe every 20 minutes—average three trips an hour for 10 hours, then we have a watch off 12 hours & 7 hours.

Q. How many trips did you make yourself individually that day?

A. We ran 10 hours some days and 12 hours Sundays.

Q. Have you had any accident before on the New Jersey ferry?

A. No, sir.

Q. How many years have you been in the employ of that company?

94 A. Been in the employ of that company some 9 years..

Q. On the day of this collision did the Pavonia boat or any other boat come near enough to you to demand your attention as a pilot?

A. I saw the Pavonia boat, but not to attract my attention; we were both going free and clear of each other.

Q. Was there any other boat that was not going clear of the other?

A. I did not see any other at the time.

Q. With regard to the blasts of the whistle, you blew the first one when?

A. When I was about 600 yards off from the Washington.

Q. Your boat was about one hundred and ninety feet long?

A. Yes, sir; at that time.
Q. How many lengths were you from the Washington?
A. I should judge about eight and a half.
Q. You are accustomed to judge by yards and not by feet?
Q. When did you blow the next single blast?
A. I should judge about half a minute after—25 seconds to half a minute.

95 Q. When did you blow the next single blast?
A. I suppose fifteen seconds after that.

Q. You wished it understood, these were the only blasts you blew?
A. Yes, sir.
Q. Did you jingle your bell?
A. I have no recollection as to that; I can't say positive.
Q. With regard to this distance between Beach street and Vestry street, what do you know about that, from pier to pier?
A. I don't understand exactly where Vestry street is.
Q. Do you know what the distance is between pier 37 and pier 39; and, if so, what is the distance—how many lengths of your boat—how many yards or how many feet?
A. I should judge 500 or 600 yards; I could not say exactly.
Q. Does this chart show the course of the two boats? Did you draw it yourself?
A. I drew it myself.
(Witness explained the course upon the chart.)
Q. Did you draw that to show precisely the relation of the boats to each other?

96 A. I drew that myself to show the position of the two boats.

By the court:

Q. When you first saw the Washington, what direction by compass did she bear from you?
A. About a southwest course.
Q. What direction did she bear from you? Not what her course was when she attracted your attention.
A. She was about N. E. or somewhere about there.
Q. Where away was she when you blew your first whistles, by compass?
A. About a N. N. E. course.
Q. When you first saw the Washington how did you slip bear on your boat?
A. About N. E. ½ E., or somewhere about there.
Q. When you blew your first whistle, how did your slip bear upon your boat?
A. About N. E. by E. ½ E.
Q. At the point of collision after she struck you, how did your slip bear from you?
A. I should judge it bore about an E. by N. course.

97 William Parker, called for libellant, sworn, testified as follows:

Exam'd by Mr. Adams:

Q. Have you, since September, 1866, visited the libellant in this action?
A. I have, sir.
Q. At Bergen Point?
A. Yes, sir.
Q. And made an examination of her condition?
A. I did.

Q. Will you please state result of that examination, and what was the nature of the injuries she received.

A. I found the patient in bed. The right leg shows evidence of having been broken in several places, and the ankle joint was nearly stiff. I think there was a slight amount of motion, but not very much. The leg was very much enlarged in consequence of the fracture which had occurred there, and the consequent inflamation which accompanied this restoration, as far as it had been accomplished.

Q. Anything with the other leg?

A. There was a fracture of the small bone on the other side.

Q. Are injuries of such a nature calculated to be painful?

98 A. It must have been exceedinglong painful, and it was painful on handling at that time.

Q. Was that leg shorter than the other?

A. Yes, sir.

Q. And will it be so for life?

A. Must be so; yes, sir.

Q. What will be the effect upon her general health?

A. It must impair her usefulness to a greater or less extent.

Q. Will she be unable to work for a living?

A. She will be unable to work as she did before for a living.

Q. Will she be likely to suffer pain?

A. She will, I think, whenever the weather changes, or if she exercises much.

Q. Is not the fact of her cure evidence of great professional skill on the part of Dr. Varick?

A. I think it was an exceedingly good job, and exceedingly successful one the result.

Q. What are professional services such as Dr. Varick rendered worth?

A. If he visited her from his place to that, 35 times—I suppose it would take about three hours to make a visit—about an hour to

99 go and nearly an hour to come; and a portion of the time, when the accident was in its worst condition it must have detained him a considerable length of time in the dressing and management of the broken part—I should think anywhere 25 to 30 dollars a visit would not be far out of the way; and if a person had a good strong purse, I should want to go deeper down than that a good deal.

Q. I round numbers?

A. I think a thousand dollars for the whole job would be very reasonable.

Cross-examined by Mr. Jackson:

Q. How many times had you examined the patient?

A. Once.

Q. At whose request did you call?

A. I was called, I suppose, at the request of the family; I don't know; I understood Mr. Schuyler.

Q. Who notified you here about it?

A. Mr. Adams gave me a notice—gave me a subponea.

Cross-examined by Mr. Beebe:

Q. Did Mr. Adams call on you to go over and examine her?

A. I received a subponea to come here from Mr. Adams.

Q. But to over there?

100 A. I do not remember whether I received a note from Dr. Varick or from Mr. Adams or from the family.

Q. After a fractured leg gets set in that way, and is bandaged up and put in boards, you don't dress it very often after that until the bone knits?

A. That depends upon the condition of things; it has to be looked to. A commisuted fracture like that would require examination daily for a length of time.

Eaton Nicholas, called for claimants of the Gregory, sworn, testified as follows:

Ex'd by Mr. Jackson:

Q. What is your occupation?

A. Mate of the steamer City of New York. I follow the seas.

Q. How long have you followed the water as an occupation?

A. I have followed it nearly 28 years.

Q. Where were you on the 16th of September, 1866, the day of this collision?

A. Lying at pier 39.

Q. On your boat?

A. On my boat; yes, sir.

Q. Did you witness this collision?

A. Yes, sir.

101 Q. Did you see the boats before the collision?

A. I did; I just saw the ferry-boat before the collision occurred.

Q. Where was the ferry-boat when you first saw her?

A. Just outside of our pier—pier 39.

Q. How far were you from the Desbosses street slip?

A. It is the next pier to it.

Q. When you first saw the D. S. Gregory she was there?

A. Yes, sir.

Q. How many yards out from the New York side?

A. I think about 200 yards from her slip.

Q. Where did you first see the Washington?

A. I saw her as she was just passing the Canal street dock.

Q. At what rate of speed was the Gregory going, about?

A. I think both were going at there full rate of speed when I saw them.

Q. Did you hear any signals given?

A. I did.

Q. When?

A. I heard a signal before I saw the Gregory; it was one single blast.

Q. Where did it come from?

102 A. It came from below the head of our pier. I stood in my starboard gangway.

Q. Did you see any other boat from that gangway, other than the Gregory?

A. I saw the Washington coming.

Q. She was above your pier?

A. She was above.

Q. Did you see any below your pier?

A. I could not see below.

Q. Did you see any other boats in the neighborhood, other than these two?

A. I did not.

Q. What was the next signal you heard?

A. I made a remark to a man who was standing by me, and said,

"There comes the Washington; she has got a good load of passengers for such a cold morning;" then was the time I heard the first whistle.

Q. Did it come from the direction of the Washington?

A. No, sir; it didn't come from the "Washington," because I was looking at her.

Q. You are positive of that?

A. Yes, sir.

103 Q. And the next whistle?

A. Just before I saw the bow of the Gregory I heard a whistle.

Q. From what boat?

A. That came, by the sound, from the Gregory.

Q. What whistle was that?

A. That was the second blast.

Q. A single blast, was it?

A. A single blast; about 30 seconds, I think, apart; not over that.

Q. What next took place?

A. Then I saw the Gregory. I stood out on the gangway, and I could see her bow coming up; the Washington came down, and she struck her, I should judge, about 10 or 15 feet abaft the forward bulkhead, on the ladies' cabin side.

Q. Was the engine moving?

A. Her wheels were moving. I could not see the Gregory's wheels.

Q. You think her speed was unabated?

A. I don't think it was abated.

Q. I understood you to say both boats were moving at unabated speed?

A. Yes, sir.

Q. What kind of a blow was given?

A. The Washington struck her bow about as square as she could strike into her, as I took it to be, the way the Gregory was head-

104 ing in; she was then very near with her head pointed in toward the slip about straight, and the Washington came down and struck her at right angles.

Q. You heard no other signals the ones you have mentioned?

A. I heard none other.

Q. Where you in a position to hear signals or to see them, if given?

A. I was, sir; I could see signals which were given from the Washington, because the steam would have shown it.

Q. You could see up the river some little distance?

A. Yes, sir; but I could not see anythink below our pier.

Q. How long a space do you suppose the Washington run from the time you first saw her until the [the] time she struck?

A. I could not say what the distance is from Canal street down there; she was right opposite the ferry slip; she was as low as pier 40 before I took any particular notice of her.

Q. What did you observe with regard to the management of those two boats, respectfully?

(Objected to.)

105 Q. Could that collision have been avoided on the part of the Gregory?

A. Not at the time I saw the Gregory.

Cross-ex'd by Mr. Beebe:

Q. You are now attached to what vessel?

A. The City of New York.

Q. That is one of the Norwich & Worcester Line?

A. Yes, sir.

Q. About what time was this collision ?
A. It was somewhere between 20 minutes past 10 and half past 10.
Q. What had you been doing immediately previous to that ?
A. I had been seeing about getting the freight off forward.
Q. Had you come in that morning from your regular route ?
A. Yes, sir.
Q. Had you finished that duty, or whatever you was engaged at before you noticed these boats ?
A. I had, sir.
Q. What was you doing there ?
A. I was not engaged at anything then.
Q. How long had you been so ?
A. I could not say how long; I have no recollection now.
106 Q. Have you any recollection about what period of time you had been unoccupied ?
A. I could not say, sir; it might have been half an hour.
Q. Is it foundered upon recollection, or is that a guess ?
A. That is a guess.
Q. Your boat came in the north side of the pier ?
A. Yes, sir.
Q. There is a house on the pier ?
A. Yes, sir.
Q. How far beyond the stern or bow of your boat does that house extend, as she laid there at the dock that time ?
A. I guess it extends out about a hundred & sixty or 170 feet.
Q. Sometimes other vessels come up along side of your boat ?
A. Yes, sir; small vessels, like tugs or ligthers.
Q. You was standing there unoccupied; on what part of your boat ?
A. In my forward gangway.
Q. About how far is that from the stem ?
A. Nearly 80 feet.
107 Q. That would bring you between 240 and 250 feet inside of the end of the house on the pier.
A. Yes, sir.
Q. When did you first see or hear the whistle ?
A. I was pretty positive I heard a whistle; I would not say for certain.
Q. Is that so certain that you are able to swear to it ?
A. No, sir.
Q. Ferry-boats and other steamers are constantly plying across there, are they not ?
A. Yes, sir; more or less of them.
Q. And a succession of whistles from various points is not an uncommon thing on that part of the river ?
A. It is of a Sunday morning.
Q. But it is not unfrequent, however ?
A. Well, no, sir.
Q. You heard a whistle, but from what course that [that] came, you cannot say, or from what vessel ?
A. No, sir.
Q. That did not attract your attention particularly ?
A. It struck upon my ear, and I looked out of the gangway, and then I saw the Washington.
Q. You was at the starboard gangway on the north side of your
108 boat ?
A. Yes, sir.

Q. About how far off was the course of the Washington outside the end of the pier?

A. I should judge her at the time I saw her about 200 yards off the head of the pier.

Q. At the time the collision happened, had that course been changed in toward the end of the pier on the inside?

A. That I could not say.

Q. Did you perceive wether there was or not any change?

A. No, sir.

Q. When the Gregory's bow hove past the stern of your boat at the end of [of] the pier, did you at that time form any idea how far from the end of the pier the Gregory was?

A. I did not.

Q. Have you now in your mind any recollection in that point?

A. No, sir.

Q. Then her course was up the river; was not it angling towards the pier?

A. She was heading straight for her pier.

Q. If she had been heading straight right across the river,
109 would she not have been in your sight all the time?

A. Yes, sir.

Q. Then she was angling up the river towards the New York side?

A. Yes, sir; she was angling up to bring her bow head in.

Q. She was angling up the river then?

A. Yes, sir.

Q. Her slip was above you; about how far?

A. I don't think it was over 80 feet from where I stood into her slip.

Q. Just above you?

A. Yes, sir.

Q. If her course had been directly across the river, you would have seen her all the time?

A. Yes, sir; if I had stood at the gangway.

Q. Neither your boat nor the houses would have hid her if her course had been directly east?

A. No, sir.

Q. At that time you cannot say how far she was off the end of your pier?

A. No, sir.

Q. She was outside of the Washington at the time her bow hove in sight beyond the end of the pier you were at?

110 A. At the time her bow hove in sight the Washington was right close upon her.

Q. How far were the vessels apart at the time you heard the whistle?

A. I could not say that.

Q. When you heard the second whistle?

A. I didn't see her at the time.

Q. You saw the Gregory at no time when the whistles were blown?

A. No, sir.

Q. Both the whistles you heard had been blown at the time you saw her bow?

A. Yes, sir.

Q. When her bow hove in sight beyond the end of the pier, how far were the vessels apart?

A. I don't think over 40 feet.

Q. At the time you first saw the Washington she was then one pier above this slip?

A. Yes, sir.

Q. So the space rum over by the Washington from the time you first saw her up to the time of the collision was the distance between that single slip or pier and this Desbrosses street slip?

A. Yes, sir.

111 Q. Covering about how many feet?

A. I don't know about how many feet it might be.

Q. About give your best judgment.

A. We don't go up to these piers. I don't know.

Q. It was a short distance; would it be more than 2 or 300 feet?

A. Yes, sir.

Q. Would it be more than 400 feet?

A. Yes, sir; I think it would be a good 900 feet.

Q. From where you first saw to the point of collision?

A. Yes, sir.

Q. About 300 yards?

A. Yes, sir, about that.

Q. About how far off the slip was it the collision took place?

A. I think it was 200 yards.

Q. Off from the end of your pier?

A. Yes, sir. That is what I mean.

Q. This ferry slip is a good way inside from the end of your pier?

A. Yes, sir; what I call from the end of the slip was when she was off our pier.

Q. But the mouth of that slip is a consid distance inside the end of the pier at which you were laying?

A. Yes, sir.

112 Q. About how much inside the end of your pier is the mouth of that ferry slip?

A. It may be 200 or 250 feet.

Q. When you place your estimate of the distance these vessels were out in the river, your place it from the end of the pier you were at?

A. Yes, sir.

Q. Thus making it, combined, say about 850 feet off the mouth of the slip?

A. Yes, sir.

Q. That is your best judgment?

A. Yes, sir.

Q. What had been done by the [the] Washington before you got sight of her you don't know?

A. I don't know.

Q. You have had a long experience as a pilot?

A. Yes, sir.

Cross-examined by Mr. Van Santvoord:

Q. Were you under cover?

A. Yes, sir.

Q. There was a house over you?

A. No, sir; my deck was over me.

Q. You were looking out of the window?

A. It is a large gangway fifteen feet high.

113 Q. Then the deck was enclosed in by joiner-work?

A. Over the top, yes, sir.

Q. Were you leaning over a rail?

A. Not leaning over until after the Gregory hove in sight.

Q. Then you leaned over?

A. Yes, sir.
Q. Before that had you heard two blasts?
A. I had, sir.
Q. How close were the two together?
A. About 30 seconds apart.
Q. How many seconds was the second one before the Gregory hove in sight?
A. It was not over may be 8 or 10 seconds. It were very close on to it.
Q. Did you see the Washington before you heard a steam-whistle?
A. Not until I heard one blast, because I was standing back to it at the time.
Q. In what direction was these out in the river?
A. I think from the head of our pier right out. The sound came that way.
Q. You could not see where the boat was from which it came at that time?
A. No, sir.
114 Q. What is the height of that shed on your pier?
A. I don't know.
Q. Did you hear any bells rung?
A. No, sir.
Q. Do you say that the Washington's screw was running at the time the two boats came together?
A. It was.
Q. You could see that?
A. Yes, sir, I could.
Q. Which way was it moving?
A. It was moving forward.
Q. Did you observe wether thee wheels of the ferry-boat was moving?
A. I could not see her wheels at all.
Q. The collision was opposite to you?
A. Yes, sir.
Q. Did you observe any back-water from the ferry-boat?
A. I did not sir.

Re-direct ex'd by Mr. Jackson:

Q. Does this chart show the relative position of the boats from one another, and from the Desbosses street slip?
(Witness marked upon the chart the position of the boats.)
115 Q. Did you observe how many there was on the pilot-house of the Washington?
A. I saw two; I took them to be women.
Q. Two besides the captain?
A. Yes, sir.
Q. Which side did the women stand?
A. They stood on the starboard side of him.

James T. Schoonmaker called for the claimants of the Gregory, sworn, testified as follows:

Ex'd by Mr. Jackson:

Q. Where do you reside?
A. In Jersey City.
Q. And so resided in September, 1866?
A. Yes, sir.
Q. What is your occupation?

A. Salesman at that time.

Q. Where you present, or did you see this collision between the D. S. Gregory and the George Washington, in September, 1866?

A. I did.

Q. Where were you at the time?

A. On board of the ferry-boat Gregory.

Q. On what part of the Gregory were you?

A. I was in the ladies' cabin.

Q. Which end of the boat?

A. The end nearest the New York side.

Q. On the main or outside part of the boat, toward the win-
116 dows or toward the machinery?

A. Towards the windows.

Q. What first called your attention to this collision?

A. Seeing the steamboat Washington some distance off.

Q. Do you know what led you to look at her?

A. Some friends I expected was on board of her going to Keyport that day, on the Washington.

Q. You got up to look out?

A. Yes.

Q. How far off was she when you first saw her?

A. I should say upward of a mile off and probably more.

Q. Opposite what street or pier on the New York side?

A. I should say not much more than left her slip.

Q. At what street?

A. At Christopher street, I think.

Q. Where was the Gregory when you first saw the Washington?

A. She had left her slip, and was, I think, about one quarter of the way across, and probably more.

Q. What do you know of the distance from the ferry slip at
117 Montgomery street to Desbrosses street?

A. I don't know it positively. I should say it was some 1,200 or 1,400 yards, probably more, I think more.

Q. Did you hear any signals given by either of these boats?

A. I heard a whistle.

Q. By what boat?

A. I could not say positively from what boat. I took it to be the ferry-boat.

Q. What kind of a whistle was it?

A. One single blast.

Q. Was it loud?

A. Yes, sir; quite loud; I heard it very plainly.

Q. Did you see other craft on the river in that neighborhood?

A. [Not] at that time I did not.

Q. From the time you heard the blast until the collision, did you see any vessels around there?

A. Yes, sir.

Q. What did you see?

A. One of the Pavonia ferry-boats.

Q. How far off was she?

A. Under our sterm, near her slip, on the Jersey side.

Q. That was the only boat you saw?

A. Besides the Washington; I noticed there was boats, of course, crossing below.

118 Q. What was the next signal, if any, that you heard?

A. I heard another whistle.

Q. Where was that from?
A. That was from the Gregory?
Q. You are sure of that?
A. Quite sure.
Q. Did you hear any other signal at all?
A. No, sir.
Q. Were you in the position to hear the steam of any boat near by, or to hear the signal of any boat?
A. Yes, sir.
Q. What were you looking at during this time?
A. At the steamboat Washington.
Q. At what rate of speed was she running?
A. Somewhere between 8 or 12 miles an hour.
Q. How near was she on the other side?
A. Probably 200 yards from the New York side.
Q. What was her course, as near as you can judge?
A. When I first saw her, I should say, nearly north and south.
Q. Do you know anythink about navigation yourself?
A. I have some knowledge.
Q. Derived from what?
119 A. From occupation in that line.
Q. Are you connected or have you been connected with any yacht squadroon or boat club or anything of that sort?
A. I am in that occupation at the present time.
Q. In connection with what?
A. The Jersey City Yacht Club.
Q. Are you an officer of that club?
A. I am chief officer of that club.
Q. Where you at the time of this collision?
A. No, sir.
Q. Were you connected with it?
A. I was a member of it.
Q. After you heard the second signal on the part of the Gregory, what took place?
A. I don't remember positively, but I think I heard a gong sound.
Q. Where?
A. On board the Gregory.
Q. Then what took place?
A. I was out at that time on the deck.
Q. Why did you step out?
A. I stepped out in the intervel before I heard this second whistle blown.
Q. Did you have any object in stepping?
A. No more than to see my friend more plainly in the Washington when she came by.
120 Q. What did you next do or see?
A. When I heard this whistle, I knew it was a signal for the Washington to pass under our stern. I looked at her for a moment from the shore and from our own boat, and her position was such that I thought she would pass under our stern, and I went back from the bow of our boat aft, when I saw she would not do it, and then I came forward again, and when I got there I saw they must strike.
Q. What did you go aft for?
A. To see my friend on the Washington when I thought she would pass there.

Q. How near was the Washington to the Gregory when you got forward on the deck of the Gregory?

A. I should say some 4 or 5 lengthes.

Q. Were you then in the ladies' cabin or on deck?

A. I was on the deck of the Gregory.

Q. At what point on the deck, about?

A. On the ladies' gangway, as they call it, I suppose.

Q. The gangway on the north side of the ferry-boat, on the New York end?

A. On the north side, the passenger side.

121 Q. Where you under the little shed or cover, or beyond that on the deck?

A. I was about midway between that and the chains.

Q. Looking on?

A. Looking on.

Q. Where you excited at the time?

A. No, sir, [sir,] I was not.

Q. Under what circumstances did the collision take place after that?

A. They were both going, apparently to me, at the full rate of speed, as far as I could see, and I looked particularly to see, and I went into the ladies' cabin and requested them in a distinct voice to leave the cabin as there would be a collision.

Q. How far off was the Washington at that time?

A. I should say two lengths, or probably less.

Q. Had she changed her course any since the time you last saw her?

A. No, sir; not that I could see, or not that I could notice.

Q. Had the ferry-boat changed her course?

A. That I didn't notice.

Q. What was the course she pursued from the foot of Montgomery street to Desbrosses street?

A. It was an angle across the river of about 23½ degrees, I should think.

122 Q. What were the points of compass?

A. I never observed the points on that course; I could not tell.

Q. Take the ordinary points of compass, what was her direction generally?

A. I should say it was nearly N. E. by E.

Q. You didn't observe any variation in that course from the time she headed that way?

A. If I did, I don't remember it.

Q. After you called the ladies out of the cabin, what took place?

A. I went out to look; I went out beyond the railing of the boat and I saw the Washington coming and still under headway; I went back and repeated my words again; the persons mostly all stood up together, & some 12 feet from the door. I went again outside, and she was about 30 feet from us, I should think; it may have been a trifle more or less.

Q. And then?

A. Then I went to the cabin again and told them to come out; this was the third time. They were very excited, all of them in the cabin at the time. I saw one or two ladies setting down, and [and] I should say about 12 or 15 stand together in a bunch, I reached into the [the]

123 door and pulled two or three ladies out, and in doing so the splinters struck me on the wrist and cut me.

Q. Did you see the libellant, Ann Cavan?

A. I saw all the woundered persons, but could not mention their names.

Q. You called them all out?
A. I gave a general notice of it.
Q. Each time you went in?
A. Yes, sir.
Q. What kind of a blow did the Washington strike?
A. It was nearly at right angles, or might have been angling this way.
Q. Then it was angling forward?
A. Yes, sir; I think so; as far as my recollection serves me.
Q Did you notice what the tide was?
A. I should say it was nearly slack-water, but I think a little on the flood.
Q. What was there to prevent the Washington from passing the stern of the Gregory?
A Not anything, I'm sure.
Q. Any obstacles in the river, or any other vessels arround?
A. None that I saw.

Adjourned to Tuesday, Jan. 21, at 11 o'clock.

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125 District court of the United States for the southern district of New York.

ANN CAVAN
ag'st
THE STEAM FERRY-BOAT D. S. GREGORY, & the steamboat George Washington.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

That. M. Adams, being sworn, says, that he is proctor for libellant in the above-entitled action; that the said libellant, Ann Cavan, is a witness whose testimony is important and necessary in her own behalf; that the said libellant is feeble and infirm, and unable to leave her room to attend the trial of this cause at the court-room; and that said libellant resides at Bergen Point in the State of New Jersey.

THATCHER M. ADAMS.

Sworn before me this 8th day of January, 1868, at Jersey City, N. J.

A. S. JACKSON,
U. S. Comm'r Dist. of N. J.

126 Endorsed: U. S. district court. Ann Cavan ag'st st'boat D. S. Gregory & st'boat George Washington. Affidavit of necessity of taking depositiorm of libellant de bene esse. T. M. Adams, proctor for libellant.

127 *A. S. Jackson, U. S. Comm'r, N. J.*

U. S. district court for southern district of New York.

ANN CAVAN
ag'st
THE STEAM FERRY-BOAT D. S. GREGORY, & the steamboat George Washington.

Please take notice that Ann Cavan, the libellant in this action, whose testimony is necessary therein, and who is unable to be present at the

trial of said action on account of bodily sickness and infirmity, will be examined, (de bene esse,) on her own behalf in said cause, before me, a commissioner duly appointed by the circuit court of the United States for the district of New Jersey, at the residence of J. R. Schuyler, esq., at Bergen Point, in the State of New Jersey, on the 11th day of January, instant, at three o'clock in the afternoon, at which time and place you are hereby notified to be present and to put interrogatories, if you shall think fit.

Yours, &c.

A. S. JACKSON,
U. S. Comm'r Dist. of N. J.

To JOS. C. JACKSON, Esq.,
Proctor for Cl'm'ts D. S. Gregory,
& BEEBE, DEAN & DONOHUE, Esq.,
Proctor for Cl'm'ts Geo. Washington.

128 Dated Jersey City, Jan'y 8, 1867.

(Endorsed:) U. S. district court. Amn Cavan. St. feerry-boat D. S. Gregory & st'boat George Washington. Notice from U. S. commissioner of taking of deposition de bene esse of libellant.

Service of a copy of within notice is hereby admitted.
BEEBE, DEAN, & DONOHUE,
Proctors Cl'm'ts Geo. Washington.
JOSEPH C. JACKSON,
Proctor Cl'm't D. S. Gregory.

Dated January 8th, 1867.

129 UNITED STATES OF AMERICA,
District of New Jersey, ss:

On the eleventh day of January, in the year of our Lord one thousand eight hundred and sixty-seven, before me, Abraham S. Jackson, a commissioner duly appointed by the circuit court of the United States for the district of New Jersey, under and by virtue of the act of Congress "for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," passed by February 20th, 1812, personally appeared at the residence of J. R. Schuyler, esq., at Bergen Point, in the county of Hudson, in said district, Amn Cavan, a witness on her own behalf, and libellant in a certain civil cause of admiralty and marintine jurisdiction now depending and und'ermined in the district court of the United States for the southern district of New York, wherein said Amn Cavan is libellant against the steamboat "D. S. Gregory" and the steamboat "George Washington," theire tackle, apparel, and furniture, and the New Jersey Railroad & Transportation Company, claimants of "D. S. Gregory," and William
130 Meyers, claimant of "George Washington."

And the said Ann Cavan, having been by me first cautioned and sworn to testify the whole truth, did thereupon depose and say:

My name is Ann Cavan; I am about 40 years of age; I live in Bergen Point, New Jersey. I remember the morning of the 16th day of September, 1866. Well, I went on the morning of the 16th of Sept., 1866, on board of the ferry-boat D. S. Gregory, in Jersey City. I went into the ladies' cabin of the boat on the end next to New York. The ladies' cabin was on the left-hand side of the boat as you faced New York. I think I took my seat about 4 or 5 seats from the end of cabin, on

the right-hand side. I sat with my face looking up the North River. The boat then left her dock. There was nothing happened until we got nearly to New York. I didn't know anything of it, and a man passing through the cabin handed me a tract & I sat reading one, and I didn't know of anything until I heard a smash. I didn't know anything, but was covered with broken fragments of the boat. I screamed, and
131 some one came to me, and it wasn't long before I was relieved of the broken lumber. Then after that I was taken into the ferry-house on the New York side. I didn't know who carried me out. There we two men—I suppose they were officers—they wanted to take me to the hospital. I refused to go; I said I wanted to go home. He asked me where my home was. I told him. Then I was taken to Dr. Varick's, in Jersey City. I was not taken out of the carriage, but was brought down here in the carriage. Dr. Varick came down with me. I was very much injured by this accident. I had 3 breaks on my right leg, below my knee; and then, on my other leg, my ankle was badly sprained, besides having the bone of the leg, a little above the ankle, splintered. I had my right ear cut, and I also had a cut in my right cheek, and also on the back of my head, behind the ear on the right side. I had several brusis about the body. As the result of these injuries I was confined to my bed for six weeks before I could ever stir myself; I had to be lifted about; I couldn't be turned for six weeks. I had to
132 lay. It was between 2 and 3 weeks after the six weeks that I was able to set up. I am not able now to walk without crutches, and then only to my bedroom. I can scarcely go there. It is about two ago since I first used crutches. Until that time I had to be rolled about by others in a chair. My led is still painful at times; night before last I scarcely slept because of the pain in my right leg. My left ankle troubles me yet in the time of a storm. After going on board of the ferry-boat I took my seat and did not leave until the time of the accident. There was no warning given on board of the boat before the accident of danger of collision. I didn't heare anything. I sat there reading.

Cross-examined by Mr. Andrews, on behalf of the claimants of the steamboat George Washington:

I was at the time of this accident a nurse in Mr. Schuyler's family—I mean Mr. Schuyler in whose house this deposition is now taken—I have remained in his residence ever since the accident. I was
133 taken from Dr. Varick's to Mr. Schuyler's. I went right home, and have remained there ever since. I have been taken care of by the family.

Q. What was your compensation as nurse in Mr. Schuyler's?

(Objected to.)

A. Twelve dollars per month. All the bruises and cuts and other injuries have been cured, except the injuries to the right leg. I have a pain at times in the right ear.

Cross-examined by Mr. Joseph C. Jackson, on behalf of the steam ferry-boat D. S. Gregory:

Q. Since the accident have you received any wages?

(Objected to.)

A. Yes; just the same as before.

Q. Have you been put to any expense in consequence of the accident?

A. Well, I don't know; Mr. Schuyler has seen to that, and I don't know how much it was. I had a nurse I paid $40 00 to.

Q. After the crash, in what part of the boat did you find yourself lying?

A. I was knocked through the partition between the ladies' cabin
134 and where the [the] horses stand. I found myself there.

Q. Did you at any time after the accident loose your consciousness?

A. No, sir; unless for a moment, when I found myself covered with the broken fragments of the boat. I screamed.

Re-direct examination:

I have been attended by Dr. Varick through this illness. His office is in Washington street, Jersey City. Dr. Varick is the family physician of Mr. Schuyler. I gave the in Mr. Schuyler's house all a present. I wasn't called upon to do it. They were very kind to me. They sat up at nights with me. I gave them about $60 00 in all.

ANN CAVAN.

Taken, sworn, and subscribed before me, January 11, 1866, at Bergen Point.

A. S. JACKSON,
U. S. Comm'r Dist. of N. J.

135 UNITED STATES OF AMERICA,
District of New Jersey, ss:

I, Abraham S. Jackson, a duly appointed by the circuit court of the United States for the district of New Jersey, under and by virtue of the act "of Congress for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," passed February 20th, 1812, do hereby certify that the reason for the taking of the foregoing deposition is, that the testimony of Ann Cavan, the witness aforesaid, is necessary in the cause in the caption of the said deposition named, and that she is feeble and very infirm; that a notification of the time and place of taking the said deposition, signed by me, was made out and served on Joseph C. Jackson, esquire, proctor for the claimants of the D. S. Gregory, and Beebe, Dean & Donohue, esquires, proctors for the claimants of the George Washingtons, on the [on the] eighth day of January, instant, to be pesent at the taking of the depositions, and to put interrogatories, if they might think fit; which notice, with an acknowledgment of service thereof on said day,
136 signed by said proctors, is hereto annexed, and marked A.

That on the eleventh day of January, in the year of our Lord one thousand eight hundred and sixty-seven, I was attend by Joseph C. Jackson, proctor as aforesaid, and Mr. Andrews, who appeared on behalf of said Beebe, Dean & Donohue, proctors as aforesaid, and by Thatcher M. Adams, proctor for the said libellant, and by the said witness; that said witness was by me carefully examined and cautioned, and sworn to testify the whole truth; and that the testimony by her given was by me reduced to writing, and thereafter subscribed by the said witness in my p'esence; and that I am not of co'nsel or attorney to either of the parties, nor in any was interested in the event of the cause named in said caption.

A. S. JACKSON,
U. S. Commis'r for the District N. J.

137 (Endorsed:) 20—274. U. S. district court. Ann Cavan vs. steamboat D. S. Gregory and steamboat George Washington. (Copy.) Deposition on part of libellant. A. S. Jackson, U. S. com'r.

To the district court of the United States for the southern district of New York.

Comm. & fees:	
Admin'g oath on aff'd't	0 10
Signing notice	" 25
Adm'n'g oath to witness	" 10
Taking dep'on, 19 fol.	3 80
	4 25

Filed Jan'y 12, 1867.
Ent'd orders.

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139 U. S. district court for the southern district of New York.

ANN CAVAN
ag't
THE STEAM FERRY-BOAT D. S. GREGORY
& the steamboat George Washington.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Thatcher M. Adams, being duly sworn, says that he is proctor for the libellant in the above entitled action; that said libellant has been already once examined de bene esse on her own behalf in this action; that since said examination and answer has been put in for the claimants of the steamboat George Washington; & that said answer sets up new matter in said action; that a further examination of said libellant is rendered necessary in view of said new matter set up in said answer; and that said libellant is sick and infirm, and confined to her room, & unable to be present at the trial of said action.

THATCHER M. ADAMS.

Sworn before me this 7th day of February, 1867.
E. SMITH STANTON,
Notary Public, New York.

140 (Endorsed:) U. S. district court. Ann Cavan ag't the st'm'r D. S. Gregory & the st'm'r Geo. Washington. Affidavits of necessity of deposition de bene esse. T. M. Adams, proctor for libellant.

141 District court of the United States for the southern district of New York.

ANN CAVAN
ag'st.
THE STEAM FERRY-BOAT D. S. GREGORY
& the steamboat George Washington.

Please to take notice that Ann Cavan, the libellant in the above entitled action, whose further testimony is necessary in this action, and who is sick and infirm, and unable to attend the trial of this case in court, will be further examined de bene esse on her own behalf in this action, before me, a commissioner duly appointed by the circuit court of the

United States for the district of New Jersey, at the residence of J. R. Schuyler, esq., at Bergen Point, in the State of New Jersey, on the 11th day of February, instant, at 3 o'clock in the afternoon, at which time and place you are hereby notified to be present, and put interrogatories if you shall think fit.

Dated Jersey City, Feb'y 7, 1867.

Yours, &c.,

A. S. JACKSON,
U. S. Commissioner.

To JOS. C. JACKSON, Esq., *Proctor for cl'm'ts D. S. Gregory*, & BEEBE, DEAN & DONOHUE, Esq., *Proctors for cl'm'ts George Washington.*

142 CITY & COUNTY OF NEW YORK, *ss:*

John McGrath, being duly sworn, says that on the 7th day of February, 1867, he served the within notice upon Bebee, Dean & Donohue, esq., proctors for claimants of the steamboat George Washington, delivering a copy thereof to a clerk in charge of the office of said proctors during their absence therefrom.

JOHN McGRATH.

Sworn before me this 8th day of February, 1867.

[SEAL.] G. SMITH STANTON,
Notary Public, New York.

(Endorsed): U. S. district court. Ann Cavan ag'st steam ferry-boat D. S. Gregory & steamboat George Washington. Notice to attend before U. S. commissioner on taking depositions de bene esse. T. M. Adams, proctor for libellant.

Service of a copy of the within notice is hereby admited.

Y., Feb'y 7th, 1867.

JOSEPH C. JACKSON,
Proctor for Cl'm'ts Steamboat D. S. Gregory.

143 United States district court for the southern district of New York.

ANN CAVAN
ag'st
THE STEAM FERRY-BOAT D. S. GREGORY & the steamboat George Washington, their tackle, apparel, &c.

Deposition de bene of said Ann Cavan, the above-named libellant, taken in the above-entitled cause, before me, Abraham S. Jackson, a commissioner duly appointed by the circuit court of the United States for the district of New Jersey, under and by virtue of the act of Congress for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States, passed Feb'y 20th, 1812, at the residence of J. R. Schuyler, at Bergen Point, in the county of Hudson and State of New Jersey, on Monday, the 11th day of February, A. D. 1867, at 3 o'clock in the afternoon of said day, pursuant to notice duly given thereof.

Present, Thatcher M. Adams, esq., proctor for said libellant.

144 And the said Ann Cavan, having been by me first caushoned and

sworn to testify the whole truth, did thereupon depose and say:

On the morning of accident, I was on my was to church in New York City—the Baptiste church in 28 street, between 6th avenue and Broadway. I am a member of that church. I have been in the habit of attending there; I have been a member of that church for 19 or 20 years, and have attended worship there every Sunday, until I came to live at Bergen Point. Since I have lived at Bergen Point, I have attended church there as often as I could get away, at least every fourth Sunday.

My only reason for going to New York on that Sunday, Sept. 16, 1866, was for the purpose of attending the services in that Baptiste church on 28th st., New York City, between 6th avenue and Broadway.

If the accident had not occurred, I should have gone there on that day.

ANN CAVAN.

Taken, sworn, and subscribed before me, Feb'y 11, 1867, at Bergen Point, Hudson Co., N. J.

A. S. JACKSON,
U. S. Comm'r Dist of N. J.

145 UNITED STATES OF AMERICA,
District of New Jersey, ss:

I, Abraham S. Jackson, a commissioner duly appointed by the circuit court of the United States for the said district, under and by virtue of the act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States, passed February 20th, 1812, do hereby certify that the reason for taking the aforesaid depositions, is that the testimony of the witness aforesaid is necessary in the cause in the caption of said deposition named, and [and] that said witness is sick and infirm, and is now confined to her room; that a notification of the time and place of taking the said depositions, signed by me was made out and served on Joseph C. Jackson, esq'r, proctor for the claim'nts of steam ferry-boat D. S. Gregory, and on Beebe, Dean & Donohue, esq'rs, proctors for the claimants of the steamboat George Washington, (as will appear from acknowledgment and affidavit of service thereof on the notice hereto annexed,) on the 7th day of February, instant, to be present at the taking of this deposition, and to put interrogatories if they might think fit; which said notice and the affi-
146 davit on which the same is foundered are hereto annexed.

That on the 11th day of October, in the year of our Lord one thousand eight hundred & sixty-seven, I was attended at the hour and place mentioned in said notice, by Thatcher M. Adams, esq., proctor for the libellant, and by the witness, no one appearing for the claimants, and the witness was by me carefully examined and cautioned, and sworn to testify the whole truth, and the testimony by her given was by me reduced to writing, and thereafter subscribed by said witness in my presence; and that I am not of counsel or attorney to any of the parties, nor in any way interested in the event of the caused named in the said caption.

A. S, JACKSON,
U. S. Comm'r Dist. of N. J.

147 U. S. district court for the southern district of New York.

ANN CAVAN
vs.
THE ST. FERRY-BOAT D. S. GREGORY AND THE George Washington.

2nd day, Tuesday, Jan'y 21, 1868.

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Warburton, Bonynge & Devine, stenographers, No. 39 Park Row.

148

149 U. S. district court.

ANN CAVAN
vs.
THE ST. FERRY-BOAT D. S. GREGORY & THE st'boat George Washington.

2d day, Tuesday, Jan'y 21.

James T. Schoonmaker:

Direct exam'n cont'd by Mr. Jackson:

Q. Did you notice the pilot-house of the Washington?
A. I did notice it.
Q. Did you see any persons in it?
A. I could not remember distinctly whether I did or not.

Cross-examined by Mr. Donohue:

Q. What did you say your business was?
A. Salesman in 1866.
Q. What is your business now?
A. A dealer in tempered wire.
Q. Where?
A. In Jersey City.
Q. What friends did you expect to see on board the George Washington?
A. Mr. Darby for one.
Q. What Darby?
A. Isaac Darby.
Q. Where does he reside?
A. I don't know where his residence is.

Q. Did you know where it was then?
150 A. In Greenwich street; I don't remember the number.
Q. Does he live there now?
A. That I could not say.
Q. Any one else?
A. Yes, sir; there were several.
Q. Can you name any other?
A. No, sir; not now.
Q. Did you know what hour she was to start that morning?
A. Not positively; he told me he should start about 10 o'clock.
Q. What time did you come over that morning?
A. I think it was 20 minutes past 10.
Q. That is when you started from the other side?
A. Yes, sir.
Q. Did you know when Darby would go on board?
A. I did not.
Q. Did you know the landings which the Washington would make?
A. I understood what she would make.
Q. Did Darby tell you when he would go on board?
A. He did not.
Q. Were you examined before the coroner?
A. Yes, sir.
151 Q. You swore then you heard a gong on board of your vessel strike in the engine-room?
A. I don't remember whether I did or not.
Q. You don't remember whether you swore so there?
A. I do not.
Q. Is not that the fact?
A. To the best of my recollection at present, I think a gong did sound.
Q. I mean the gong in the engine-room?
A. Yes, sir.
Q. When was that?
A. It was sometime before we struck.
Q. Before or after the first whistle?
A. Sometime after the first whistle.
Q. How many whistles did you hear?
A. I cannot say whether it was two or three, at the present time.
Q. Did the gong sound before or after the second whistle?
A. After the second, I think.
Q. About how far apart were the two boats when the gong sounded?
A. I could not say, because I did not locate the positions [not] particularly at that time.
Q. You said you heard a bell ring to go ahead—a jingling something?
A. I think I did.
Q. When was that?
A. Shortly before they struck.
152 Q. What time elapsed between the gong and the last bell?
A. I could not say.
Q. Well, about?
A. Probably a half or quarter of a minute.
Q. When the first whistle blew where were you standing?
A. In the cabin, I think, [I think,] or on the forward deck; I can't remember which.
Q. You had been originally in the cabin?
A. Yes, sir.

Q. You don't know whether it was the whistle which brought you out or not?

The whistle brought me out, I think. I went aft to the other end of the boat.

Q. Had you gone out forward before you went aft?

A. Yes, sir.

Q. But you don't know whether the whistle blew before or after you went out forward?

A. I don't remember.

Q. Therefore you don't recollect whether it was the whistle which called you out on the forward deck?

A. No; I do not, at the present time.

Q. When you went aft, about how far apart were they then?

A. Well, I should say some four or five blocks off. I think the
153 Washington was there somewhere in the neighborhood of Spring street.

Q. Which pier?

A. I think the Spring street pier.

Q. Where were you when the second whistle blew?

A. I don't remember.

Q. I understand you to say you don't recollect whether there was a third whistle or not?

A. I do not remember whether there was or not.

Q. What time was there between the first and second whistles?

A. I should judge about half a minute or a minute.

Cross-exam'd by Mr. Van Santvoord:

Q. Are you a practical sailor, or only an amateur?

A. I don't know what you call a practical sailor.

Q. Did you ever navigate a steamboat?

A. No, sir; not as a licensed pilot.

Q. As any sort of a pilot?

A. Yes, sir.

Q. When?

A. During 1861, I think.

Q. On what boat?

A. The propeller Durant.

Q. Where did she ply?

A. Between Coeyman's and New York.

154 Q. Are you sailor enough to know whether the course of a steamboat could be changed from a course up the river to a course down the river, by putting the helm hard a port, in a quarter of a mile?

A. Some boats will do it, but I don't think many boats will do it.

Q. How many points would the course of the steamboat have changed by putting the helm hard in the distance of a quarter of a mile?

A. Some 63 or 70 degrees.

Q. How many points?

A. I think a degree represents a point.

Q. You say you heard a bell ring to go ahead, did you; a jingling bell?

A. Yes, sir.

Q. Was that before or after collision?

A. That was before the collision.

Q. How long before?

A. A very short time; I could not say exactly how long; perhaps half a minute or less.

Q. Did you apprehend a collision before you heard that bell ring?
A. Yes, sir.
Q. How long before that did you apprehend a collision?
A. I think it was all of a minute.
155 Q. Where were you at the time the bell was rung?
A. I don't remember; somewhere, I think, on the forward part of the deck.
Q. Was the apparent object of that ringing for the boat to run right across the bow of the Washington?
A. I should say so, or to break the blow.
Q. There could not have been any other object, could there?
A. Yes, sir.
Q. What other?
A. To break the blow, the force of the blow.
Q. Then the way to break a blow, in your experience, where two vessels are crossing each other, so as to involve the risk of collision, is to go at greater speed?
A. No, sir; but if one boat stands still, the other would pierce her more than if she was going at a rate of speed.
Q. Was either boat standing still in this case?
A. No, sir.
Q. Both going at full speed?
A. I don't think either one was going at full speed.
Q. Haven't you testified they were both going at full speed at the time they came together?
156 A. I think not.
Q. Was either boat stopped?
A. No, sir.
Q. Both were under headway?
A. Yes, sir.
Q. Had either's speed been appreciably diminished?
A. It may have, and I think it was.
Q. What makes you think it was?
A. I don't think they were going fast enough to be at full speed.
Q. Would the fact of ringing the bell to go faster tend to slacken the speed of the boat?
A. It tends to increase it; I think I first said there was a gong rung to slow the boat.
Q. You say you called to some passengers there was going to be a collision?
A. Yes, sir.
Q. Was that before or after that bell rung?
A. It was after the bell rung, I think.
Q. You say you saw one of the Pavonia ferry-boats astern of the Gregory?
A. Yes, sir.
Q. You say, at the same time, you were in the ladies' cabin on the New York end?
A. I don't think I said so.
157 Q. Where were you at the time you saw this boat astern?
A. At the time I saw that boat, was when I went astern of the steamboat Gregory.
Q. That was after you heard the first signal?
A. I could not say whether it was or not, but I think it was.

Re-cross-ex'd by Mr. Donohue:

Q. When you saw the Pavonia ferry-boat——
A. She was going toward her slip.
Q. How far over toward the Jersey shore?
A. I think half a mile from us.
Q. In which direction; right west of you?
A. Northwest.

Re-direct by Mr. Jackson:

Q. In what capacity was you going to New York that morning?
A. I was going after some friends over there.
Q. If you were on the Washington, how would you say she held the Gregory as to the quarter?
A. I should say the Washington was coming along the docks.
Q. How did she hold the Gregory; what were the bearings?
A. I think the Washington was coming nearly south, or a little east of south if anything.

158 Q. What was the direction of the Gregory from the Washington?

A. They were coming at right angles, or a little outside of [of] right angles.
Q. Was she west or east—if the Washington had continued her course in a straight line?
A. What was the direction the Gregory was in?
A. If the Washington, when I first saw her, had kept on her course, as I thought she was doing—I may have been mistaken in my views—I think she would have cleared the Gregory; it may have been a passing thought with me, that either one had changed her course, but I could not say which one, so as to produce a difference in her position.
Q. What was the bearing between the Washington and the Gregory; did the Washington have the Gregory on the right hand or the left hand?
A. As near as I could remember now, I think she was nearly under her bows.
Q. On the starboard or larboard quarter?
A. Dead ahead, when I noticed her first; when I first began to think they were getting anywhere near together.

159 Q. You mean to say when the Washington was coming down stream, the Gregory was directly in front of her?

A. She was like this.

Q. On what quarter would the Washington be having the Gregory?
A. On the port side.
Q. On the port side of the Gregory?
A. Yes, sir.
Q. What side of the Washington?
A. As I could see, dead ahead; she was coming this way towards me straight.
Q. The Washington was moving directly down the stream?
A. Yes, sir.

Re-cross-exam'd by Mr. Donohue:

Q. When you first noticed them, you thought, if they had kept their courses there would have been no collision?

A. Yes, sir.

Q. Some change was made afterward, you think, by some of them, but you don't know which?

A. I don't know which.

Re-re-direct by Mr. Jackson:

Q. How could the Washington have avoided the collision?

A. If they had kept their positions, they would have cleared one another; that is, according to my observation at first.

160 Allen W. Seaman, called for claimants of the Gregory, sworn, testified as follows:

Direct exam'n by Mr. Jackson:

Q. What is your occupation?

A. I am a river pilot.

Q. Was it such in September, 1866?

A. It was.

Q. How long have you been a seafaring man, or a water-going man?

A. I have been about 37 years.

Q. How long a pilot?

A. I have been a pilot about 30 years.

Q. Where were you most of the time?

A. On the Hudson River.

Q. What line were you connected with?

A. I have been on all the regular lines; I was attached to Mr. Van Santvoord's line at the time of the collision.

Q. What line is that known as?

A. It is the Albany Day Line.

Q. Did you witness this collision on the 16th of September, 1866, between the Gregory and the Washington?

A. I saw very little of it.

Q. Where were you?

A. I was on board the America, lying the north side of the ferry slip.

Q. How far below where you were?

161 A. Tape a line where she was to the westward and southward of us; she might have been, perhaps, 100 feet south of where I was; that is, in a straight line.

Q. Had you been looking out on the river at all before your attention was called to the boat?

A. No, sir; I was busy with a job on board.

Q. What was the tide at this time?

A. It was the first of the flood.

Cross-ex'd by Mr. Beebe:

Q. Your view of this was a hurried one?

A. Yes, sir.

Q. There was nothing special to call your attention to it at the time?

A. No; only seeing the drift stuff which drifted up the river after the two boats had been together.

Cross-ex'd by Van Santvoord:

Q. Did you observe whether the wheel of the Washington moved?

A. Her engine was working ahead.

Q. Did you see that distinctly?
A. Yes, sir.
Q. Could you see whether the engine of the Gregory was working?
A. Her engine was working also.
Q. Could you see which way that was working?
A. I could not tell whether it was working ahead or back.

162 Q. Was the Washington between you and the engine of the Gregory?
A. No, sir.
Q. Was the Washington between you and the wheel of the Gregory?
A. No, sir; they were at right angles.
Q. Where were you?
A. Precisely where I am now in relation to this railing here.
Q. Were you on the upper side of the pier of the Desbrosses street slip?
A. Yes, sir.
Q. Those piers are shorter than the piers at the foot of Vestry street?
A. Oh, yes, sir.
Q. Then were you not rather to the eastward of the end of the pier?
A. Yes, sir; I was 100 feet eastward of the end of the Vestry street pier.
Q. Then the Washington was between you and the Gregory at the time of the collision?
A. When they came together, the Gregory had got partly across the Washington's bows.
Q. Then you saw the bow of the Gregory?
A. Yes, sir.
Q. Could you see aft?
A. I could not see aft.

163 Q. The Washington was between you and [and] the aft part of the Gregory?
A. Yes, sir.
Q. You could not see the Gregory's port wheel, could you.
A. No, sir; not after the boats came together; my view was a very hurried one.
Q. Could you see any part of the Gregory aft of the place of collision after they came together?
A. No, sir.
Q. Did you notice whether there was any back in front of the Gregory?
A. I did not sir.

Re-cross-examined by Mr. Beebe:

Q. Your glance of these vessels was a hurried one?
A. Yes, sir.
Q. As a matter of course, when they came together, the headway of both was stopped?
A. When they came together both stopped.
Q. When you saw them they were but a very few feet apart?
A. Yes, sir; it was just momentary; the man says to me, Look out there, and I turned round to look.
Q. And almost as soon as you turned round they were in collision?
A. Yes, sir.

164 Isaac Willis, called for the claimants of the Gregory, sworn, testified as follows:

Direct ex'n by Mr Jackson:

Q. Where do you reside?

A. 336 South 2nd street, Jersey City.
Q. What is your occupation?
A. Seaman.
Q. What was it in September, 1866?
A. I was chief officer on the steamship Mariposa.
Q. Did you witness this collision between the Gregory and the Washington?
A. I did, sir.
Q. You were on your boat at the time?
A. I was on my boat. We had just arrived from New Orleans; we were lying off the end of pier 46. We had two lines on shore, warping in the stern. I was on the forward deck. We were in the stream off the end of the pier warping in.
Q. Which of these two boats did you first see?
A. I saw the Washington.
Q. Where was she?
A. She came very close to us, within once the boat's width of the ship I was in.
165 Q. What was the rate of speed at that time?
A. That is more than I can tell; she looked to me as if she was going full speed.
Q. How far was she from the New York shore?
A. About a 150 yards; not over that.
Q. Did you attention to the course of the boat after that?
A. I did, sir. I was leaning over the rail, and looked at her sometime after that.
Q. What did you see?
A. I saw her keep her course—a straight course down until she fetched in the Gregory.
Q. When did you first see the Gregory?
A. A very few minutes after she passed, I saw the Gregory coming across.
Q. What attracted your attention to the Gregory?
A. The boats were so nearly in a range, I could not help looking at her; I saw from the way the Washington was going, if they didn't change her course it looked to me as if they were going to come together.
Q. What was the course of the Gregory when you first saw her?
166 A. That is more than I can tell; she was too far down; she looked to me to be heading to the slip at the foot of Desbrosses street.
Q. About how far across the river was the Gregory when you first saw her?
A. I think she was within half a mile from the end of her pier.
Q. Did you hear any signals or whistles?
A. I did.
Q. What signals did you hear?
A. I heard the Gregory blow one distinct whistle.
Q. What time was that; how soon after you first saw her?
A. That was pretty soon after I first saw her.
Q. Did she change her course after that?
A. I could not tell you; she was too far off.
Q. Did you hear any other whistles?
A. I never heard any reply from the Washington. I heard another one from her afterward.

Q. Did you see any steam emitted from the Washington to make a whistle?

A. I did not.

Q. After these two signals, unresponded to by the Washington,
167 how soon did the boats come together?

A. Very soon after that; I could not tell exactly; they was not very far off when I heard the last whistle.

Q. How far off were the two boats from the New York shore?

A. About the same distance she was when she passed the slip I was in—near a hundred and fifty yards.

Q. Had you noticed the Washington leave her slip above you?

A. I had not. I never took any notice of the Washington until she was along side of us.

Q. Did you notice any one in the pilot-house?

A. I did not. I did not take any notice.

Q. When the struck were both boats moving?

A. Both going, it looked, at full speed. I didn't see any stop on either one of them.

Q. What was the bearing of the two boats when you heard the first signal?

A. I didn't take any notice of that. I could not tell.

Q. What was the tide at that time?

168 A. It was the first of the flood. [Q.] There was very little tide right under the docks.

Q. Did you see any other vessels around there?

A. I did not. I did not take notice of any others.

Q. Was there anything to prevent the Washington going astern of the Gregory down the river?

A. I didn't see as there was anything.

Cross-ex'd by Mr. Donohue:

Q. Were you getting your steamer in?

A. Yes, sir.

Q. Under whose charge or direction?

A. Under the captain's charge; he was aft and I was forward.

Q. How long before that had you arrived?

A. About five minutes, just long enough to get the lines out.

Q. Were the lines out forward under your direction?

A. They were out under his direction—forward and aft.

Q. Under whose particular direction were they forward?

A. I ran the line out. No one else had anything to say about it.

169 Q. She was heading, in and so far as the forward end was concerned was under your direction?

A Yes, sir.

Q. You say you saw the Washington pass outside of you?

A. Yes, sir.

Q. About how far did she go from you?

A. About once her width.

Q. What pier were you at?

A. At pier 46.

Q. What street is that at the foot of?

A. At the foot of King street.

Q. What kind of a boat is the Washington?

A. She is a small river-boat.

Q. How many smoke-stacks?

A. Only one, that I could see.

Q. Her engine is where; forward or aft?
A. That is more than I could tell; I never took any notice.
Q. You don't recollect that?
A. No, sir.
Q. As she passed down, and got a little below you, her stern was presented to you?
A. Yes, sir.
Q. When you first had your attention called to the Gregory, did you think if they continued their course, there would be a collision?
A. I thought so; if neither one changed their course.
170 Q. You could not form any idea how far they were apart then?
A. No, sir.
Q. Could you notice that the Gregory was outside of the Washington at all; or was the Washington pointing right for her when you first saw the Gregory?
A. She was rather inside of her.
Q. But pointing nearly for her?
A. Yes, sir.
Q. About how far were the apart at that time?
A. I could not tell; they were placed in a position I could not see.
Q. Could you not form any judgment?
A. No. sir, I could not see; where I was, the Washington was right stern to; the were both pretty near in a range.
Q. Where you were, the Gregory was pretty near ahead of her?
A. Yes, sir; at that time.
Q. When you first saw the Gregory, you thought something would have to be done by one or both of them to prevent a collision?
A. That is what I thought, if both kept their course.

171 Cross-ex'd by Mr. Van Santvoord.

Q. How far out from the end of pier 46 were you?
A. We was about 125 yards, I think; she just had room to go by us, and I should judge the Washington was about 150 yards out.
Q. Were you laying fore-and-aft of the river, or crossways?
A. The stern was hove in; I suppose the stern was about three points in the dock, with her bows out. We were heaving the stern in at the time on the south side of the pier.
Q. Did the Washington go down on the inside or outside of you?
A. Outside of us.
Q. Was your anchor out?
A. No, sir.

Cross-ex'd by Mr. Donohue.

Q. You were going in on the south side of the pier?
A. Yes, sir.
Q. Do you know whether pier 46 extends as far out into the river as pier 39?
A. I think it does; just about the same.
172 Q. (By Mr. Jackson.) About how many yards was it in a straight line from where the Gregory was, when you first saw her, into the New York shore?
A. She was about a quarter mile, I judged, from the New York shore.
Q. How far was the Washington from the New York shore, when you first saw the Gregory?
A. She was not over 150 yards.
Q. How much difference was there between the Gregory and the Washington, from the New York shore, at that time?

A. There was some difference.
Q. You say the Gregory was nearly ahead?
A. She was nearly on her starboard bows.
Q. How much ahead of her?
A. I think nearly one point, from where I stood, on the starboard bows, when my attention was first called to the Gregory.
Q. She was then about one point on?
A. On the Washington's starboard bow; that was about the time she blew the first whistle.
Q. Where was the Washington at that time?
A. I won't be certain what pier she was off.
173 Q. About as near as you can judge?
A. I didn't take any notice.

Cross-exam'd by Mr. Van Santvoord:

Q. Could you form any judgment whether the Gregory was further down the river than the Washington; and, if so, how much further down when you first saw the Gregory?
A. I could not tell.
Q. Could you tell whether she was further down?
A. Yes, sir; she was further down.

Andrew J. Darling, called for the claimants of the Gregory, sworn, testified as follows:

Direct ex'n by Mr. Jackson:

Q. Where do you reside?
A. Armenia, Dutchess County.
Q. What was your occupation in September, 1866?
A. Agent of a steamboat company.
Q. What company was it?
A. The Albany Day Line.
Q. Did you witness this collision between the George Washington and the Gregory?
A. I did not see it.
Q. Did you see either of the boats that day?
A. I did.
174 Q. Which one did you see?
A. I saw them both.
Q. Which one did you see first?
A. The George Washington.
Q. Where did you see her?
A. In the North River.
Q. How far was she from the New York shore?
A. About 100 fathoms, I think.
Q. How far up the stream?
A. She was opposite Watt street, I think, about.
Q. A little below Canal street, then?
A. Yes, sir.
Q. Where were you?
A. I was on the end of the pier, the north side of Desbrosses street ferry.
Q. What were you doing there?
A. I stood looking on at the steamboat Armenia, seeing the men working on the forward deck.
Q. How was the Washington sailing at that time; what was her course?

A. South.
Q. Was she going fast or slow?
A. About a regular speed for her, I should think; I didn't notice anything unusual.
Q. Was she going directly south?
175 A. I could not say as to that; I was not aboard to see the points of the compass.
Q. When did you first see the Gregory?
A. I saw her nearly at the same time.
Q. Where was she?
A. She was about a little below the Vestry street pier; pier No. 39.
Q. You had a good view of the river from that point?
A. Yes, sir.
Q. Did you see any other craft around there moving?
A. I did not.
Q. Did you hear any signals?
A. I did; I heard a whistle.
Q. Where from?
A. I could not say what boat it was from.
Q. What direction was it from?
A. It was from a southeast direction from where I stood.
Q. How many times did you hear it?
A. I don't remember it but once.
Q. What next did you see, if anything?
A. The next I saw was the two boats together.
Q. Did you see them strike?
A. I did not.
Q. How were they together when you saw them?
176 A. The Washington's bow was into the hull of the Gregory; about 45 feet, I should think, from her bow.
Q. What kind of angle did they form; where they lying along side, or what?
A. The position they laid in, when I saw them, was about a right angle; I should think the Washington came about square head on; probably they moved a little after they struck.
Q. Where was the stern of the Washington at the time of the collision—pointing in what direction?
A. Pointing north.
Q. Pointing due north?
A. I could not say that.
Q. What was the direction of the stern end of the ferry-boat?
A. She laid about thwart ships across the river.
Q. Did you notice the tide about this time?
A. It was what we call flood-tide; the first of the flood.
Q. How far where these two boats from the New York side when you saw them just together—how far from the line of piers?
A. The piers are not all of a line.
Q. Where was she opposite?
177 A. A little below her slip, about half her length.
Q. How far out was she from the end of that pier, immediately below Desbrosses street?
A. From pier 39, I think 150 or 200 yards out.
Q. You are quite positive when you first saw the Gregory?
A. I saw her nearly at the same I saw the Washington, but I saw the Washington first.
Q. Could that collision have been avoided by the Washington?

A. That is a hard question for me to answer.
Q. Could you have seen from where you stood any signals, if they had been given by the Washington?
A. I could.

Cross-exam'd by Mr. Donohue:

Q. Could you have seen any signals given by the Gregory?
A. I could not; when the signal was given, I stood sideways to the Gregory.
Q. I am speaking of the time when you saw her?
A. When I looked at the Gregory, I could see if she had given a signal; I knew there was a whistle blown, and it was not the
178 Washington, but I could not swear it was from the Gregory.
Q. What kind of a boat is the Washington; how many pipes?
A. I think she had one pipe.
Q. Forward or aft of the engine?
A. I could not swear as to that.
Q. Are you familiar with her?
A. I am not; I see her pass up and down.
Q. About how far were they apart when you first saw them?
A. I should think they might be 500 yards, but I could not swear positively.
Q. Which did you think was the farthest out in the river when you first saw them?
A. I should think the Gregory was a little the farthest out.
Q. About how much should you think?
A. I should not think she was over once her length the farthest, about 150 or 200 feet.
Q. About how far was the Washington above where you were standing when you first saw her?
A. I don't think it was over 100 yards, if it was that.
Q. About how far was the Gregory below where you were standing when you first the Gregory?
179 A. It might have been from 300 to 400 yards, or somewhere along there.
Q. At the time you first saw the Gregory, she was about her own length farther out in the river than the Washington, and about 300 or 400 yards further down than you were.
A. Yes, sir; or it might not be so much.
Q. That is your best judgment?
A. Yes, sir.
Q. At that time the Washington was about 300 feet above you?
A. It might be as much as that; I think about 100 yards.
Q. Does the pier you were standing on form the north side of the Desbrosses street slip?
A. It is a pier on the north side of the Desbrosses street slip.
Q. The spiles are put on the south side of that slip?
A. Yes, sir.
Q. How wide is that pier?
A. It is a narrow pier; I think not over, at the end, 25 feet.
Q. Did you think there was going to be a collision when you first saw them?
A. No, sir.
Q. Was there anything to prevent your seeing the collision if you had looked?
180 A. Oh, no.

Q. Nothing called your attention after your first look, and after you heard the whistle?
A. No, sir.

Re-direct by Mr. Jackson:

Q. Do you know what point the Washington was bound for?
A. I do not.

Peter O'Reilly, called for claimants of the Gregory, sworn, testified as follows:

Ex'd by Mr. Jackson:

Q. What is your occupation?
A. Seaman.
Q. How long have you been a seaman?
A. About 17 or 18 years.
Q. Where you September 16th, 1866?
A. On the steamship Mariposa.
Q. Did you see the Washington and the Gregory on the morning of that day?
A. I did.
Q. When did you first see the Washington?
A. About 10 minutes before she come along side of us.
Q. Where were you?
A. I was forward on the Mariposa myself, and the mate.
181 Q. This witness who has testified here—you were helping him?
A. Yes, sir; but we were not doing anything at the time.
Q. How near was the Washington running to the New York shore?
A. About 3 times the length of herself.
Q. That was the first time you saw her that day?
A. Yes, sir.
Q. What was her course?
A. Southward; going towards the Battery.
Q. Going fast or slow?
A. She went pretty fast past us.
Q. When did you first see the Gregory?
A. I took notice of her when we came up the river, across on the other side.
Q. How far off from the Jersey side was she?
A. She was on the New York side coming close to the New York dock
Q. Where was the Gregory when you first saw her?
A. On the Jersey side.
Q. What was her course?
A. Coming northeast, or E. N. E.; about that.
Q. Did you notice how the tide was?
A. It was flood-tide up along the docks.
Q. Did you hear any signals given by either boat?
182 A. Yes, sir; by the Gregory.
Q. When did you first hear the signal of the Gregory?
A. When the Washington was somewhere off pier 41 or 42.
Q. Then the Gregory sounded a whistle?
A. Yes, sir.
Q. What was that signal?
A. One whistle.
Q. Did the Washington respond or give any reply at all?
A. No, sir.

Q. Did you hear any other signals?
A. Yes, sir; another whistle.
Q. Where did that come from?
A. From the Gregory.
Q. Was that responded to?
A. No, sir.
Q. Could you see the steam from the Gregory when she blew her whistle?
A. Yes, sir.
Q. Did you have a clear river, or were there other craft around?
A. I didn't take notice of any other.
Q. Did you see any of the Pavonia ferry-boats?
A. I didn't take notice of any.
Q. Did you expect a collision from the courses these boats were going?
A. Yes, sir.

183 Q. How could it have been avoided?
A. If the Washington had shipped her helm and ported her wheel she would have gone astern of the Gregory, or even if she had stopped she would have cleared her, as the current was running up.
Q. Did you know where the Washington was bound for?
A. No, sir; she was going down toward the Battery.
Q. Did you see them strike?
A. Yes, sir.
Q. How far off the New York shore were they when they struck?
A. I suppose about 3 times and over the length of the boat.
Q. About 500 feet?
A. That I don't know.
Q. How far below Desbrosses slip was it?
A. It was somewhere of Desbrosses street.
Q. Was it as far below as it was off the New York shore?
A. No, sir; well, somewhere about that.
Q. Was there anything to prevent the Washington from passing astern of the Gregory?
A. No, sir; not that I know of.
Q. Did you look into her pilot-house at all?
A. No, sir.

184 Q. What was the Washington carrying as she passed you?
A. I don't know. I think she is a pleasure-boat.
Q. Did you form any idea then?
A. No, sir.
Q. Could you see whether the engines of these steamers were moving?
A. Yes, sir; both walking-beams were going; the Washington was going ahead, because I saw the water from the wheel went astern.

Cross-examined by Mr. Beebe:

Q. What are you doing now?
A. Working along shore.
Q. When were you first talked with about this case?
A. There was a friend of mine was on one of the Jersey boats, and I thought I saw him when I first looked at the boat.
Q. Did you know what boat he was in?
A. Yes, sir; the Colden.
Q. You knew this was the D. S. Gregory?
A. Yes, sir.
Q. You knew it was not the Colden?
A. Yes, sir; afterward.

Q. You had seen the Gregory before?
A. Yes, sir.
Q. And you knew it was not the Colden?
185 A. Yes, sir; I didn't know at the time. I didn't see her name at the time.
Q. You hadn't seen the boat before?
A. Yes, sir; I saw her coming across.
Q. You had seen her before crossing the ferry and knew it was the Gregory?
A. No, sir; not then; I didn't know one boat from the other then.
Q. Then, when you said you knew it was the Gregory, you were mistaken?
A. No, sir.
Q. You were not mistaken?
A. No, sir.
Q. When did this friend of yours first speak to you about?
A. He never spoke to me; I spoke to him.
Q. When were you first spoken to about this case?
A. I was never spoken to about it.
Q. Did ever anybody talk with you about it?
A. Afterward, sir.
Q. When did anybody talk with you about it first?
A. About six or seven months after.
Q. Who then talked with you about it?
A. One of the deck-hands.
Q. When were you talked with about it by anybody belonging to the line?
A. Never; only by the captain.
Q. The captain of what boat?
186 A. Of the Gregory; Captain Smack.
Q. When did you talk with him about it?
A. About six or seven months after.
Q. You talked with him at the same time you talked with the deck-hand?
A. No, sir; a day or two after I spoke to the deck-hand I went down to see the captain.
Q. Did you make a written statement?
A. No, sir; I told him I saw the collision.
Q. When were you next talked with about it?
A. I went down to see him myself, and asked him what time the trial was coming on.
Q. You volunteered to go down yourself?
A. Yes, sir.
Q. How long ago was that?
A. The next Sunday, sir.
Q. I came down to the dock one day, and he asked me to come up to the lawyer's with him?
Q. Who did?
A. The captain.
Q. When was that?
A. Last summer.
Q. Is that the last time you ever talked about it?
A. I spoke to him yesterday or the day before.
187 Q. Yesterday you told him what you knew about it?
A. No, sir.
Q. Did you tell him anything about what you knew yesterday?

A. Yes, sir; I was speaking to the mate.
Q. Did you tell the mate what you knew about it?
A. No, sir.
Q. It is nothing unusual for steamboats to pass up and down the docks?
A. No, not upon the river.
Q. Was there anything that particularly called your attention to the Washington?
A. Yes, sir; she passed so close by us.
Q. The stern of your boat was off in the stream?
A. Yes, sir.
Q. Was there anything about the Washington that called your attention to it particularly?
A. Not that I remember of.
Q. When had you seen the Gregory before that time?
A. I didn't know the boat's name before that day.
Q. You hadn't known there was such a boat until that day?
A. No, sir.
Q. When did you learn it on that day?
A. When I saw it on the paddle-boxes on that day.
188 Q. After the collision you saw from where you were, at pier 46, her name on the paddle-boxes?
A. Yes, sir.
Q. Are you sure her name was on the paddle-boxes at all?
A. Her name was on it that day.
Q. At that time are you sure she had her name on the paddle-boxes?
A. Yes, sir.
Q. That you are certain off.
A. Yes, sir; she had her name on at that time.
Q. And there is where you saw it?
A. Yes, sir; on the outside of the wheel-house.
Q. When you first saw that boat, which you say turned out to be the D. S. Gregory, where was she?
A. Somewhere off Desbrosses street.
Q. Didn't you tell us a few minutes ago you saw her over at Jersey City?
A. That was when I saw her first.
Q. Didn't I just ask you when you first saw her?
A. I saw her on the Jersey side.
Q. Didn't you just tell me the first you saw her was off Desbrosses street?
A. The last time I saw her she was right off the Desbrosses street slip.
Q. Didn't you tell me the first time you saw her she was off
189 Desbrosses street?
A. I don't know whether I told you that or not.
Q. Where was this boat the first time you saw it?
A. On the Jersey side, sir.
Q. In the slip?
A. No, sir.
Q. How far was she from the slip?
A. I could not tell you.
Q. About how far?
A. I could not exactly tell.
Q. Was she in the middle of the river?
A. No, sir.
Q. Half-way?

A. No, sir.
Q. Was she quarter of the way from the Jersey shore?
A. Somewhere about that.
Q. Where was your steamer?
A. Going up, I should think, off Vestry street, or Desbrosses street.
Q. Going up to take your position at pier 46?
A. Yes, sir.
Q. On what part of the steamer were you when you saw this boat?
A. I was forward.
Q. The stern of your steamer was down the river?
190 A. Yes, sir.
Q. And your boat was off about Vestry street or Desbrosses street?
A. Yes, sir.
Q. Then you saw the ferry-boat coming up the river?
A. Coming across the river.
Q. Heading nearly directly opposite?
A. Yes, sir; somewhere about N. by E.
Q. At that time your steamer was under weigh going up the river, and you were forward? What were you doing?
A. Nothing.
Q. Was not you attending to getting the lines all ready?
A. No, sir; we had the lines out all right.
Q. You went up to pier 46 and rounded the stern in?
A. Yes, sir.
Q. You got a hawser in from the stern and were hauling on shore?
A. I was not hauling.
Q. Well, other folks were hauling?
A. Yes, sir.
Q. All that had been done from the time you had seen that vessel, a quarter of the way across the river? Is that so?
191 A. Yes, sir.
Q. Did you round your bow down at all?
A. No, sir.
Q. You landed head up?
A. Yes, sir.
Q. Did you see that boat when she reached the New York side? Did you keep her in your eye?
A. I looked at her 3 or 4 times.
Q. Did you see her when she reached the New York side?
A. Yes, sir.
Q. When she had reached the New York side her course was right along up the docks?
A. No, sir.
Q. What part of the New York shore did she reach?
A. Something along the foot of Vestry street.
Q. After she had reached the New York shore, where was the first point you saw her?
A. Somewhere off Vestry street—no, sir; she was down below that, I think.
Q. I am talking about the time when you say she had got across the river to the New York shore; how far down below Vestry street was she?
A. I could not tell.
Q. Do you know where Beach street is?
192 A. Yes, sir.

Q. Was it below Beach street?
A. No, sir; nor near that; it was up higher than Beach street.
Q. Then when you saw her she was heading up the river?
A. No, sir; kind of coming angling.
Q. Do you mean angling toward the shore?
A. Yes, sir.
Q. How close was she to it?
A. I suppose about 400 or 50 yards.
Q. Did she change that position up the river, up to the time of the collision?
A. I didn't take notice.
Q. You didn't notice whether she changed or not?
A. No, sir.
Q. Did she keep her position angling up to the shore, up to the time the collision took place?
A. I don't know; she might vary half a point or a quarter of a point, and I would not know it.
Q. She could not change 3 or 4 points and you not know it?
A. No, sir.
Q. She did not then?
A. No, sir; not as I saw.
193 Q. Her course was along up the docks, angling towards them?
A. She was not coming what I would call along the docks; she was coming right across from Jersey.
Q. Was she coming straight across?
A. No, sir; not quite straight; about 2 points to the northward & eastward.
Q. What would that bring her by the compass.
A. I could not tell whether it was 2 points or 2½; it was to the northward & eastward.
Q. Give me the points of the compass that brings her to.
A. If she came across straight, it would take her about E. N. E.
Q. You said she was about two points N. & E; I want to know what points of the compass that would bring her to?
A. It would bring her about E. N. E.
Q. What is the first point above east?
A. E. by N.
Q. What is the next one to that?
A. E. N. E.
Q. That is the point she was running from the time you saw her?
A. Somewhere about that.
Q. How many smoke-pipes had the Washington?
A. One, that I saw.
194 Q. Sure she hadn't more?
A. I think she hadn't more.
Q. Can you swear she had or had not more than one pipe?
A. No, sir.
Q. Can you swear she had not four?
A. Yes, sir.
Q. Can you swear she had not two?
A. I cannot, sir.
Q. You can swear she had not four?
A. Yes, sir.
Q. Are you sure of that?
A. I am.
Q. How many engines had she?

A. I could not tell; I never was in the engine-room.
Q. How many walking-beams were she?
A. One.
Q. Are you sure there was not two?
A. I'm certain I only saw one.
Q. Was that forward or aft the pipe?
A. To the best of my knowledge, the walking-beam was at aft the pipe.
Q. Are you quite certain of that?
A. No, sir; I am not certain, but I think so.
Q. You have seen her a good many times since?
A. Yes, sir.
195 Q. Can't you tell us where the walking-beam is?
A. No, sir. I saw her last summer when she was near cutting us down again.
Q. Did I ask you anything about that?
A. No, sir.

Cross-ex'd by Mr. Van Santvoord:

Q. When you first saw the ferry-boat, was she a quarter across the river?
A. Somewhere about that, or a little more from the Jersey side.
Q. Was she heading more up the river?
A. A little more up the river.
Q. At the time of the collision, how nea rstraight across was the ferry-boat standing?
A. I suppose she might be standing that way—

Q. Very near straight across?
A. Yes, sir.
Q. More than when you first saw her?
A. Yes, sir; a little more.
Q. How far below the Washington was the ferry-boat when you first saw her?
A. I should say about 8 or 9 lengths of the Washington; may be 10 or 12.
Q. How far below was she when you observed the ferry-boat
196 was standing more across the river?
A. I don't understand it.
Q. You say when you first saw her she was standing more up than across?
A. Yes, sir. You are asking me what distance she was off the Washington when I first saw her?
Q. And you say 8 or 9 lengths?
A. No, sir; that is when the Washington passed us down.
Q. When you first saw the Gregory, how far below the Washington was she?
A. Might be half a mile.
Q. How far was the Gregory below the Washington, when you say the Gregory was standing across the river?
A. 6 or 7 or 800 yards. She was somewhere below Vestry street.
Q. You say the Washington might have avoided the Gregory?
A. Yes, sir.
Q. By putting her helm aport?

A. Putting her wheel aport.

Q. How far below the Washington must the ferry-boat have been to have enabled the Washington to clear the Gregory, by putting her wheel aport?

197 A. There is some boats go round in their own length and a half.

Q. How is it with the Washington?

A. I think she ought to go round in twice her own length; these river-boats generally do; I have been on a sea-boat that went round in her length and a half.

Q. Was the Gregory as much as a length and a half below the Washington when you observed that the Gregory was standing across the river in towards New York?

A. Yes, sir; six times the length of her.

Re-cross-ex'd by Mr. Beebe:

Q. The [the] Gregory was right ahead of her, wasn't she?

A. Yes, sir; no, sir; she was on the Jersey side of her.

Q. How much?

A. I suppose about 300 yards.

Q. About 300 yards outside?

A. Yes, sir; outside the Washington.

Q. Then they were about how much apart?

A. I suppose about 5 or 600 yards.

Q. Opposite what pier was the Washington at that time?

A. Somewhere off pier 41 or 42 along the Canal street docks there

198 Q. At the time when you say that the Gregory was heading in more to New York, at that time the Gregory was off about Vestry street, and the Washington was off about pier 41 or 42?

A. Yes, sir.

Q. And the Gregory was 300 yards about outside of the course of the Washington?

A. Yes, sir; somewhere about that.

Q. Have you talked with Mr. Jackson about this case?

A. When I was brought up before him up to his house.

Re-direct by Mr. Jackson:

Q. Was the tide favorable for the Washington quickly minding her helm? Could she or could she not turn quickly?

A. Yes, sir, she could.

Q. It was flood-tide?

A. Yes, sir.

Q. She would have minded her helm more easily with a flood-tide than with an ebb?

A. Yes, sir; if they had shoved her off quarter of a point they would have got her off; if she had slewed a quarter of a point she would have sheered right clear of her; 3 or 4 spokes of his wheel would have

199 cleared them.

Q. Was the tide favorable for stopping the Washington?

A. Yes, sir.

Q. By stopping could she have avoided the collision?

A. Yes, sir; or by stopping and giving a turn back.

Re-cross-ex'd by Mr. Beebe:

Q. Either boat could?

A. The Gregory could not do it so well, because the tide was driving her up.

Q. She was running across it?
A. Yes, sir; she was running across it, but it would have brought her broadside to it.
Q. Then it would have been a broadside collision?
A. Yes, sir.

George Hanshe, called for the claimants the Gregory, being sworn, testified as follows:

Q. Where do you reside?
A. Jersey City.
Q. Did you live there in September, 1866?
A. Yes, sir.
Q. Did you see the collision between the Gregory and the
200 Washington on the 16th September, 1866?
A. Yes, sir; I saw partly of it.
Q. Where were you?
A. In the ladies' cabin of the Gregory.
Q. The cabin towards the New York end?
A. Yes, sir; towards the New York end on the right.
Q. Who was with you?
A. My wife and two children.
Q. You were going as passengers to New York?
A. Yes, sir.
Q. To the Desbrosses street ferry?
A. Yes, sir.
Q. Where did you first see the Washington?
A. I saw the Washington; I heard a whistle blow from the Gregory, and then after that some kind of a small bell; then I looked up; I was reading a tract, and I saw the Washington coming down the river, and I kept my eyes on him; he was very close; I kept my eyes on him out through the windows; and I told my wife, I guess that boat is going to run into us; she said, Oh, no, it looks sometimes so, but then some boat turns off. That is all I could talk to her until the collision took place.
201 Q. About how far off was the Washington when you first saw her?
A. About 250 or 300 yards.
Q. What direction was she from you?
A. I looked out through the windows; I sat on the partition side, and looked right straight out of the windows.
Q. You looked across the cabin?
A. Yes, sir.
Q. Which way was the Washington coming?
A. Coming down the river.
Q. How near the New York shore was she?
A. I could not tell you that.
Q. Was she moving straight down the river?
A. I could not tell exactly.
Q. Was she nearer the New York shore?
A. I didn't notice the New York shore at all; I kept my eye on the bow.
Q. Was the Washington pointed directly towards you, or directly down the river?
A. That I could not tell.
Q. Was she directly north of you, or in what direction?

A. I could not tell.

202 Q. What direction was your boat pursuing in crossing from Montgomery street to Desbrosses street?

A. She was not turned yet; I know that.

Q. Was not turned to go into the slip?

A. No.

Q. Was she sailing in a straight line?

A. She was [was] not quite in a [a] straight line.

Q. What line was she in?

A. Kind of going sideway.

Q. Making for her slip?

A. Yes, sir.

Q. You say you heard one whistle?

A. Yes, sir.

Q. Did you hear another whistle?

A. No, sir; I heard a little bell.

Q. Where did you get those tracts you were reading?

A. Some man came round the boat and gave them to us.

Q. How did these boats come together?

A. The Washington run right through the cabin about, but not quite, in the middle.

Q. Did you see the person who brings this action, Miss Ann Cavan?

A. No, sir.

203 Q. The woman whose legs were broken?

A. Yes, sir; I saw her.

Q. Did you see any other person?

A. No, sir; I saw enough for myself; I saw my wife and my own little girl lying there; I had enough to look at; I was no more in my senses, I was so excited.

Q. Was your wife injured?

A. Yes, sir; she died in two days after, and my little girl broke one leg and one badly injured.

Q. When you kept your eye on the Washington, did you see her change her course at all?

A. I cannot tell if she changed her course, for I cannot tell if I always looked through one window or the other.

Q. Did you see while you were keeping your eye on her, see any whistle, or see any steam?

A. No, sir.

Q. Did you hear any sound from her?

A. All I could see was the bow through the little windows, and the bow is higher than the windows.

Q. Did you hear any sound whatever from the Washington?

204 A. No; I cannot tell anything about that.

Q. At what rate of speed was she going when she struck?

A. I don't know exactly; I think the regular speed; I know the ferry-boat was keeping going.

Q. You, of course, was occupied with your family after the collision?

A. Yes, sir.

Q. How far from the New York shore did the collision take place?

A. I cannot tell.

Q. How far below Desbrosses street slip?

A. I cannot tell that neither.

Cross-examined by Mr. Donohue:

Q. When you first saw the Washington you thought there would have been a collision?

A. Yes, sir.
Q. They were pretty close together?
A. Yes, sir.
Q. About how many lengths of your ferry-boat do you suppose she was?
A. I think more than one length.
Q. Twice her length?
A. Scarcely that.
Q. It was after that you first heard the whistle?
205 A. It was before.
Q. The whistle called your attention?
A. That is what brought me to look to see what was the matter.
Q. That was the only whistle you heard?
A. Yes, sir; and one little pull; some kind of a little pull.
Q. As if some wire had been scratched or pulled?
A. Yes, sir; something like that.
Q. It was not what you would call a loud whistle?
A. No, sir.
Q. Did you hear the jingle bell?
A. I didn't hear any jingle bell.
Q. You heard a little bell?
A. Yes, sir; soon after the big whistle.
Q. Did you hear more than one whistle?
A. No, sir.
Q. You talk about a big whistle?
A. I mean the big whistle that they blow with steam.
Q. Did you hear them blow it?
A. Yes, sir; one whistle.
Q. What made you look up?
A. That is the time I looked up.
Q. Had you heard this jingle bell before this or after?
A. After.
Q. Just about the same time?
206 A. A little while; about a minute or so.
Q. Did you set right in front of the window?
A. I sat on the partition side; inside.
Q. You sat in that way, and looked out of the windows?
A. Yes, sir.
Q. When the whistle blew you looked out of the window ahead of you?
A. Yes, sir; and saw the bow of the Washington; that is all.
Q. Were you sitting opposite to the windows?
A. Yes, sir; I sat opposite to the windows.
Q. Then you thought there was going to be a collision?
A. Yes, sir.
Q. You don't think she was twice the length of the ferry-boat?
A. About that; I know she was very close; for that was all I could speak to my wife. I said, I think that boat is going to run into us. She said, No, I guess not; she will run off somewhere; that is all I could say.
Q. Then right away she came into you?
A. Yes, sir.

Cross-ex'd by Mr. Van Santvoord:

Q. Were you in the ladies' cabin?
207 A. Yes, sir.
Q. Did you hear any warning from anybody?

A. If I would, I would run, I tell you
Q. How near the door were you sitting?
A. About nearer towards the door as towards the wheel-house.
Q. About how many seats from the door?
A. About 6 or 8.
Q. From which door?
A. From the forward door toward New York.

Re-cross-ex'd by Mr. Donohue:

Q. Did you see anybody looking at that boat at all except yourself?
A. No; not as I know of.
Q. Was there any confusion in the cabin until she hit you?
A. Not a word; we were all sitting quiet reading tracts.

Re-direct by Mr. Jackson:

Q. Will you turn around and look out of that window, and point with your hand in the direction which you saw the Washington?
(Witness turned as requested.)
A. I set right so, next this partition, and saw the Washington
208 coming down; I saw her bow in that direction, about right ahead.

Charles S. Hutton, called for claimants of the Gregory, being sworn, testified as follows:

Examined by Mr. Jackson:

Q. Where do you reside?
A. Jersey City.
Q. What was your occupation in September, 1866?
A. Engineer.
Q. Of what?
A. On a locomotive on the Hudson River railroad.
Q. Where were you at the time of this collision, September 16, 1866?
A. I was coming across the ferry. I came down there and just missed one boat.
Q. What boat did you take?
A. I took the Gregory after she was run into.
Q. You were then waiting on the New York side?
A. Yes, sir; at the Desbrosses street slip, out on the pier.
Q. You were standing on the pier?
A. Yes, sir; on the pier on the right-hand side of the slip, on the north side.
209 Q. Do you know the number of that pier?
A. No, sir; I do not.
Q. Which boat did you see first of these two?
A. I saw the Gregory.
Q. Where was she when you first saw her?
A. Coming across from the Jersey side.
Q. How far from the Jersey side was she?
A. A little over half towards the Jersey side.
Q. What was her course?
A. I don't know exactly what you call it; she came in a northeasterly direction.
Q. Was she coming from the foot of Montgomery street to Desbrosses street?
A. Yes, sir.
Q. Pretty much in a straight line or not?
A. Kind of angling.

Q. When did you first see the Washington?

A. When I heard the whistle from the Gregory; that called my attention to look up the river, and I saw the Washington coming down.

Q. Where was the Gregory when you first heard the whistle?

A. A little over half-way across the river.

210 Q. Did you hear her blow again?

A. I did.

Q. What kind of blasts were those?

A. She gave one blast, and shortly afterwards another.

Q. Did she keep on her course after the first blast?

A. I think she kept on her regular course.

Q. Where was she when she blew her second blast?

A. About 5 or 600 yards out.

Q. Do you mean out from the New York side?

A. Out from the New York side.

Q. How far below the Desbrosses street slip?

A. Kind of off like that—angling—about 45 degrees.

Q. Was she further from the New York shore, or from the Desbrosses street slip? Was she as far south as she was west?

A. She was making an angling course right across the river for her slip. I suppose as she laid there she was the least thing below the Desbrosses street slip.

Q. About how far out from the New York shore when she blew the second whistle?

211 A. About 5 or 600 yards.

Q. Where did you first see the Washington?

A. About 2 or 300 yards up the river.

Q. Above the point where you were?

A. Yes, sir.

Q. How near the New York shore was she?

A. I should judge about 2 or 300 yards off.

Q. What speed was she going?

A. I thought she was going her regular speed, as I have always seen the boat go.

Q. What was her course?

A. She was running southerly.

Q. Was she running straight down the river or running across?

A. I think she was running pretty near straight.

Q. Did you expect a collision?

A. Well, no, sir; I did not at the time.

Q. Was there anything to prevent the Washington steering to the right, and passing astern of the Gregory?

A. No, sir; I don't think there was. Nothing that I could see.

Q. Was there any other craft around there?

A. No, sir.

Q. Did you hear or see the Washington blow her whistle?

A. No, sir.

212 Q. Did you see any signal made from her?

A. Nothing at all.

Q. Did you see the boat strike?

A. I did.

Q. Was the speed of the Washington changed?

A. She didn't change it all; only just before they struck, and then her engines stopped.

Q. How far was she from the Gregory when her engines stopped?

A. It might have been 15, 25, or 30 feet; not over that.

Q. Could you see distinctly the boats when they came together from where you were?
A. I could.
Q. Do you know anything about the tide at that time?
A. No, sir; I noticed it was pretty high water.
Q. Did you look at the pilot-house of the Washington?
A. Yes, sir; I noticed 2 or 3 men in it. I don't know who they were.
Q. There were 2 or 3 men there?
A. Yes, sir.
Q. Are you sure they were men or women?
213 A. I am pretty sure they were men.
Q. Can you say whether there was any women there or not?
A. I could not say whether there was women in the pilot-house; there was men and women all round the boat; plenty of them.
Q. What point was the Washington making for?
A. I don't know.
Q. Do you know at what point she started?
A. No, sir.
Q. How far is Barclay street from Desbrosses street slip?
A. I don't know.

Cross-ex'ed by Mr. Donohue:

Q. Where was the Washington when you first saw her?
A. Coming down the river.
Q. Where was she?
A. I cannot tell. I am not acquainted with the streets or piers.
Q. About how far above the Desbrosses street slip?
A. 3 or 4 or 500 yards.
Q. Can't you come any nearer?
A. That is about as near as I can come to it.
Q. Can you tell about how many of her lengths she was above it?
214 A. I could, if I had measured them.
Q. You would have to make a calculation to tell?
A. I could, if I was a mathematical arithmetician, but I ain't one of that sort.
Q. When you first saw the Washington, about how far had the Gregory got across the river—half-way?
A. Yes, sir.
Q. More than half-way?
A. Yes, sir.
Q. How much more than half-way?
A. I could not tell you how much more, for I don't know the distance.
Q. You have been giving the other gentleman a half and a quarter, have you not?
A. I don't know whether I have or not.
Q. I know you did.
A. All right.
Q. Please give us, the nearest you can, the proportions she was across when you first saw the Washington?
A. I say she was more than half-way.
Q. Much more?
A. Not a great deal—probably, may be a quarter of the way more.
Q. About how far off from the New York docks was the
215 Gregory when you first saw the Washington?
A. 3 or 400 yards—might have been a little more or a little less.
Q. How much below the Desbrosses street slip?

A. A little below, coming across angling.
Q. How much below?
A. I don't know how much.
Q. Can't you form any estimate?
A. I might, if I come close down to the work.
Q. About how far at this time was the Washington out from the docks?
A. A couple of hundred yards.
Q. And the Gregory was about twice as far out this time as the Washington?
A. I didn't say so.
Q. How far was she out?
A. 3 or 4 or 500 yards.
Q. She was half as far again then?
A. I don't know anything about that.
Q. Can you tell whether the Gregory was twice as far from the New York as the Washington was?
A. I know she was not twice as far.
Q. Was she half as far again as the Washington was?
A. That is cyphering things pretty close; I told you 3 or 400 yards.
Q. Do you know how far the Washington was out?
216 A. I say a couple of hundred yards.
Q. You saw where the Washington was, did you not?
A. I saw her coming down the river.
Q. When you so saw her for the first time, which was the farthest out, her or the Gregory?
A. I don't know. You are a little to smart for me. I can't answer all such particular questions; I don't know how to get at them.
Q. I want the proportion.
A. I told you I can't give you the proportion; I don't know how to get at it.
Q. When you first saw the Washington, was the Gregory once and a half as many times further out in the stream as the Washington was?
A. If the judge tells me I must answer, I will answer; otherwise I will not.
(The court.) If you can answer.
Q. When you first saw the Washington, was the Gregory half as far again out in the river as the Washington was?
A. I told you once it was not so.
Q. Then she was not half as far again out as the Washington?
A. I say so.
217 Q. Was there half as much space again between that boat and the dock, as there was between this boat and the dock?
A. I told you no.
Q. Could you add one quarter more of the space that there was between that vessel and the dock to make the distance from that vessel to the docks?
A. I told you once I couldn't cypher it down as close as that.
(By the court.) What do you understand Mr. Donohue to be talking about?
A. He asks whether the Washington or the Gregory was the vessel further out.
Q. At the time you have so described her, the Washington, you say, was about 300 yards above the Desbrosses street slip?
A. 3 or 400 yards, or it might have been 500.
Q. And the Gregory was how much below the slip?

A. I didn't say how much below; I said she was coming across at angles.

Q. You could not tell how much below?

A. No, I could not.

Q. You could not tell opposite what place on the New York shore she was?

218 A. No, sir; I don't know the places on the river; I don't know the names of the streets or of the piers.

Q. You could not tell how many piers she was below?

A. No, sir, I could not.

Q. Could you tell opposite what pier, or how many piers above the slip the Washington was?

A. No, sir, I could not.

Q. You didn't notice?

A. I didn't take any notice of that exactly.

Q. Was that the position of things when the Gregory first whistled?

A. Just as I have described it?

Q. Yes.

A. No, sir.

Q. What was the position of things then?

A. The Gregory was further out when——

Q. When the Gregory first whistled, was she twice as far out as the Washington?

A. I don't know but what she was.

Q. How much farther up the river was the Washington then?

A. How do I know?

Q. You don't know?

A. No.

Q. How long was it from the time the Gregory whistled until you saw the Washington?

219 A. I didn't take out my watch to look.

Q. You cannot give any idea?

A. No; time slips away very fast; I might get somewhere near it.

Q. Come somewhere near it.

A. It might have been a minute or a little more; it might have been two or three.

Q. What boat was it you went over on?

A. On the D. S. Gregory; after she had got run into, she came into the slip and landed her passengers, and then I went across on her.

Q. You were standing on the slip?

A. I was standing on the pier.

Q. What took you on the pier?

A. I walked out there.

Q. Is there a communication without going out through the gate?

A. Through the ferry-gate; no; I went out through the ferry-gate, and through another small gate, and so out on the pier.

Q. Which pier?

A. The pier to the north.

Q. Was any one else there?

A. I saw one or two men there fishing.

Q. Anybody else?

220 A. I didn't notice anybody else; I didn't take notice; they had no call to me, and I had no call to them.

Q. You didn't notice anybody else?

A. No.

Q. Were you out as far as you could be?

A. I went out to the end of it.
Q. As far as you could get?
A. Yes, sir.
Q. Did you see the Gregory leave her slip in Jersey City?
A. I didn't look to see.
Q. (Chart shown witness.) Where was the Gregory when you first saw her?
A. (Witness marks H, No. 1.)
Q. Where was the Gregory when she blew the first whistle?
A. About here. (Marked H, 2.)
Q. Make a mark where you saw the Gregory at the second whistle.
A. (Marked H, 3.)
Q. Show where the Washington was when you first saw her.
A. I could not mark that, for I can not tell from this pier how far she was off.
Q. Where was she when the first whistle was blown from the Gregory?
A. Along here. (Marked H, 4.)
221 Q. Where was she when the second whistle was blown?
A. (Marked H, 5.)
Q. Mark where the collision was?
A. I should judge, from the slip where I was, it was about here. (Marked H, 6.)

By Mr. Van Santvoord:

Q. Is that about the course of the Gregory when you first saw her—this steamboat marked here?
A. I don't know what course she was taking; I don't know but it is, and don't know as it is.
Q. Can you recollect anything about the way she was heading?
A. I think I have recollected considerably now.
Q. To the best of your judgment, can you make it?
A. You want to bother me so I will contradict myself.
Q. I want you to mark that on the map.
A. I have marked that map all up now, and I don't want to mark it any more.
Q. I ask the witness whether he can mark the direction or course of the Gregory, or direction when he first saw her.
222 A. I don't know but what that might be it, but it looked to me as if she was lying a little further off here.
Q. Put it just where you please?
A. That might have been the position; I cannot come down close to it, and you know it.
Q. I ask you, to the best of your judgment, to tell the course or direction of the Gregory?
A. To the best of my ability, that is about the way. (Marked H, 7.)
Q. Did the Gregory change her course from the time you first saw her up to the time of the collision?
A. Not that I could see; I think she just kept her regular course.
Q. Did she change that course?
A. I don't think she did.

John Smack recalled:

Direct-exm'n, by Mr. Jackson:

Q. Do you wish to make any explanation with regard to the testimony you gave yesterday?

A. I would like to make a little. I understood this gentleman (Mr. Donohue) yesterday, when he talked to me about my papers, to
223 say I had no papers at all. That is the way I understood Mr. Donohue, when he asked me if I didn't get my papers after the collision, & I told him no. I told him I had had my papers, but I had been sick from about the 28th of April, until along about the first of September, or, rather, I got to work along about the first of September, 1866. I went over as soon as I got cleverly about; I think it was the day after—or I won't be certain about that day, I think it was the day after—and got my papers; had them renewed.

Q. The day after what?

A. The day after the collision, the 17th; I think it was the 17th. I went over there and stated my case to the commissioners, and gave them the whole facts.

Q. With regard to the collision?

A. With regard to the collision; I took my papers and showed them the whole; they gave me my papers, and dated them back from September first, and allowed me from the 3d of May to September first; they gave me all that time for the time I was sick.

Q. Have you got that paper with you?

224 A. I have not them with me; but the papers are here, I think.

Q. Was anything said about the custom or practice, in that case, by the inspector?

(Objected to.)

Q. When did your license expire?

A. On the 3d of May; I was taken sick on the 28th of April, and was sick along until the first of September; I went out, and went to try to go on my boat; I steered a while, not feeling quite strong enough, under another pilot, who had charge of the boat at the time; then about a week after the first of September I took my boat and went on, and, from that to the 16th, I met with this collision. I went over on the 17th, I think it was; I am not certain about that; I went over then and took a written statement, and gave it to the inspectors, and told them just my condition, how I was, and what had occurred, the whole sum and substance; they gave me my papers, and dated them back from the first of September, and allowed me from the 3d of May till the first of September, the time I had been sick.

225 Cross-exam'd by Mr. Donohue:

Q. Did you get them from the inspector or the inspector's clerk?

A. I got them from the inspector's office.

Q. Did you get them from the inspector or the inspector's clerk?

A. I got them from the gentleman all get them from, I suppose.

Q. Do you know whether it was the inspector or not?

A. It was Mr. Weeks.

Q. It was Mr. Weeks?

A. It was the young man Mr. Weeks.

Q. It was young Mr. Weeks?

A. I think it was.

Cross-exam'd by Mr. Van Santvoord:

Q. You testified yesterday about a diagram made by you, showing the direction of the Gregory and the Washington at the time of this collision, did you?

A. Yes, sir; that is mine.

A. I want to ask you if that has not been altered since it was sworn to yesterday, by shifting the position of the place of collision?

A. No, sir; for there is the old paper.

Q. Look at and see if you have not altered it?

226 A. No, sir; I never put my hand to that.

Q. Have you changed that since you testified to it yesterday?

A. No, sir.

Q, Wasn't it done by putting the boat nearer the pier at Vestry street?

A. That is the old paper, and I put this to it. You asked me to draw it from Desbrosses street to the Jersey side, and I drew my course at the flood-tide and at the ebb, and I gave you my courses.

Q. You have not altered the position of these two boats in reference to Vestry street pier since yesterday?

A. No, sir.

Re-direct by Mr. Jackson:

Q. Has any alteration whatever been made, with reference to that chart which was submitted yesterday, except to add as under the instruction of the court?

A. The only alteration was that put down there this morning.

Q. Has there been any alteration made in that chart by you, in any way, except to add on under the instruction of the court?

A. That is all.

227 Charles A. Woolsey, sworn on behalf of the claimants of the D. S. Gregory.

Examined by Mr. Jackson:

Q. What is your profession or occupation?

A. I am superintendant of the Jersey City ferry.

Q. How long have you had charge of that ferry as superintendant?

A. I have been superintendant of that ferry between 22 and 23 years.

Q. Where do you reside?

A. I reside at Jersey City.

Q. Was the ferry-boat D. S. Gregory a licensed vessel?

A. She was.

Q. At the time of the collision with the Washington?

A. She was.

Q. (Handing paper to witness.) Is that her license or the renewal of it?

A. This is the renewal of the license.

Q. Was she licensed at that time?

A. She was.

(Objected to by Mr. Donohue.)

[Q. Was she licensed at that time?

A. She was.

(Objected to by Mr. Donohue.)]

Q. That is the renewal of the license?

(Objected to by Mr. Donohue.)

228 Q. Was that vessel staunch, well manned, and equipped throughout?

A. I so considered her.

Q. What did she have on board? Do you know what officers and men were on board at the time of the collision?

A. Yes, sir; I know what officers and what men were on board of her; there was one pilot, one engineer, one fireman, and two deck-hands.

Q. What was the direction from the Montgomery street slip of the Jersey ferry to the Desbrosses street slip in New York City?

A. I should think it was about an E. N. E. course, as near I can judge, without taking it by the compass.

Q. What is the length of that distance around by the ferry?

A. I should think the distance was about a mile and an eighth.

Q. And about what would you say was the width of the river in a straight line from Desbrosses across to the Jersey shore?

A. By the line of the piers do you mean?

229 Q. Yes, sir; the Jersey line of the piers.

A. About a mile.

Q. Straight across?

A. About a mile straight across. It is about a mile from Courtlandt street to our ferry slip on the Jersey City side, and about the same distance there, I suppose.

Q. Did you see the Gregory after she came in, soon after this collision?

A. Yes, sir; I did. Word was sent immediately to me at my house, and I went immediately down on board of her when she returned from New York.

Q. Where was she struck, and what kind of a blow was it?

A. She was struck on the port side; I should judge somewhere from 8 to 9 feet from the cabin door, on the forward part of the boat.

Q. The port or starboard side?

A. On the port side, as she was going towards New York.

Q. Did the blow indicate any force?

A. Yes, sir.

Q. What kind of force?

A. Well, the blow went through her guard; broke, I think, seven deck-beams, and went up to the string of the boat—the hull of

230 the boat, and left the stem of the Washington sticking into the string, and combing on the deck; left her cut-water sticking through the joiner work into the passage way, where the beams go outside of the cabin.

Q. How long was the stem or cut-water?

A. Well, I should think it was somewhere near the length of that desk; about a little longer; about five or six feet.

Q. How long have you employed this pilot, the last witness, Captain Smack, on your ferry?

A. I really cannot tell how long he has been a pilot without looking at my books.

Q. A number of years?

A. He had been a pilot since the Desbrosses street ferry started.

Cross-examined by Mr. Donohue:

Q. You say at the time of this collision this boat had on board certain people?

A. Yes, sir.

Q. Will you tell me how long before the collision you had last seen her?

A. I am unable to say.

231 Q. Had you seen her that day?

A. I had.

Q. You had seen her that day?

A. Yes, sir.

Q. What time of day did you see her?

A. I cannot tell what time. It is my usual practice of a Sunday morning to not go down to the ferry until after breakfast, unless I am called.

Q. Had you gone down this Sunday morning?
A. Yes, sir; after breakfast, and returned to my house.
Q. You don't know how long before the collision you had seen her?
A. I do not.
Q. You don't know whether you had seen her that trip?
A. I don't think I did see her that trip.
Q. When you went down to the slip, did you go on board of her?
A. Yes, sir; on board of her before the collision?
Q. Yes, sir?
A. No, sir.
Q. Then you had not been on board of her that morning?
A. No, sir.

232 Q. When you went down to the ferry, did you do more than go into the ferry-house?

A. I presume I did. I won't say I did. It is my usual practice to do so.
Q. But you have no recollection of that fact?
A. I have no recollection of going on board of her that morning.
Q. Or of what you did do down there, in fact?
A. No, sir.
Q. The first recollection you have of going on board of her, or of having your attention called to it, was hearing the word that an accident occurred?
A. Yes, sir.
Q. Have you ever measured the distance across?
A. I have not.
Q. Never have?
A. No, sir.
Q. Have you never taken the angle across?
A. I have not.
Q. By compass?
A. No, sir.
Q. Never have?
A. No, sir.

233 Q. Do you know about the relative position of the Courtlandt street ferry, and the Jersey ferry on the Jersey side, whether they are about opposite each other?

A. Whether the Courtlandt street and Montgomery street slips are about opposite each other?
Q. Yes, sir.
A. The course from Courtlandt street to Montgomery street is about west by north from New York to the Jersey City slip.
Q. Standing there, as you do, on Mongomery street slip, is Courtlandt about opposite you on the New York side?
A. Very near opposite, I should judge.
Q. About how far is it, on the New York side, from Courtlandt street to Desbrosses street?
A. Well, I don't know that I can tell exactly.
Q. You don't know?
A. I don't know what the distance is. I should think, however, it was over half a mile; three quarters of a mile probably.
Q. (By Mr. Van Santvoord.) Don't you know it is over a mile?

234 A. No, sir; I do not. I have my doubts about it. I believe it is a mile from the city hall to the corner of Houston street and Broadway. [It is a mile from the city hall to the corner of Houston street and Broadway.] The mile-stone stood there, and I have seen it there many a time.

Q. Two miles from the Battery?

A. No, sir; I am under the impression it is a mile from the city hall to the corner of Houston and Broadway.

Q. You don't know the distance?

A. No, sir; but I am under the impression it is a mile from the city hall to the corner of Houston and Broadway.

Q. (By Mr. Donohue.) The distance from Courtland street to Desbrosses street, you don't know?

A. No, sir; I do not. I should not think it was a mile, although it may be.

Q. (By Mr. Webster.) Do you mean a mile from the corner of Houston street and Broadway?

A. Yes, sir; that is my impression. I recollect when I was a boy of seeing the mile-stone standing on the corner of Houston street.

235 (By Mr. Van Santvoord.) In calling the course E.N.E., what do you call the course of the river?

A. The course of the river at what point?

Q. Between Montgomery street and Desbrosses street; I don't mean the course of the ferry-boat, but the course of the river—north or south, or how?

A. I don't know that I understand you.

Q. You say the course across was E. N. E.

A. I never marked the course by compass; I should judge it to be E. N. E.

Q. What do you call the course of the river, north and south?

A. No, sir.

Q. What do you call it?

A. I think the course of the river is N. N. E. and S. S. W.

Q. Then in calling the course across E. N. E., you are considering the river N. N. E. and S. S. W.?

A. I am not taking the course of the river into consideration at all. I should judge it was N. N. E. and S. S. W.

Q. Suppose the river was N. N. E.; how far would your course

236 E. N. E. vary from a course across and up the river?

A. That would depend altogether on the tide. They don't steer an E. N. E. course to go to Desbrosses street in a perfectly slack tide—flood-tide, they vary their course. If it is an ebb-tide, they vary their course.

Q. With the tide running down in the body of the river, and a young flood-tide along shore, what would be the course?

A. I would not pretend to say what the course would be.

Q. You are not yourself a nautical man.

A. I profess to be something of a nautical man.

Q. Have you steered those ferry-boats?

A. I have.

Q. In how many lengths of the ferry-boat would one of those ferry-boats, with her helm put hard aport, change her direction from a course up the river to a course down the river, clear around?

A. Put that question again.

Q. How many lengths would one of those ferry-boats require to

237 come entirely around from the course up the river to a course down the river, with her helm hard aport?

A. That would depend on circumstances; depend upon the tide.

Q. (By Mr. Beebe.) Take it with perfectly slack-water.

A. Well, I suppose one of those ferry-boats, with the wheel hard over and slack-water, and under full headway—change her course to a directly opposite point?

Q. (By Mr. Van Santvoord.) Yes, sir.
A. I should think probably ten lengths of the boat.
Q. Would it require as many as that?
A. I think it would require from 8 to 10 lengths.
Q. How many lengths to come entirely around are you placing it?
A. I don't know; I never tried it.
Q. (By Mr. Jackson.) I desire to ask you whether the superintendant of the ferry was aware of the illness of Captain Smack for a long time?
A. Yes, sir.
Q. And of his return about the first of September?
A. Yes, sir; I remember when he returned. He was in a pretty
238 weak state, and I allowed him to go on the boat, and take the helm and steer occasionally, and put a man with him to take the laboring oar until he regained sufficient strength to manage his boat, which he did do before the collision took place; and I took the pilot on shore.
Q. (By Mr. Van Santvoord.) How long did that illness continue?
A. I don't recollect.
Q. How long before he recovered so that you considered him fit for duty?
A. Early in September. I didn't require him to take his boat until he came to me, and told me he felt strong—strong enough to take this position.
Q. (By Mr. Jackson.) Your opinion as to the twisting of the boat was an estimate and not the result of anything?
A. Merely guess-work; some boats will turn in much shorter space than others.
Q. (By Mr. Van Santvoord.) How long was he absent?
A. I really cannot tell you.
Q. Was it over three weeks?
239 A. Oh, yes; he was so sick that at one time it was doubtful whether he would recover.
Q. (By Mr. Jackson.) Of course, your books show all that?
A. Yes, sir; I can show it by my books.

Michael S. Allison, sworn on behalf of the claimants of the D. S. Gregory:

Examined by Mr. Jackson:

Q. Where do you reside?
A. Jersey City, or back of Jersey City.
Q. Did you live there in September, 1866?
A. Yes, sir.
Q. What is your occupation?
A. Ship-builder.
Q. Did you see the ferry-boat S. G. Gregory after its collision with the George Washington, in September, 1866?
A. I seen her on the 17th day of Sept.; I think, 1866.
Q. What was the condition of that vessel as a result, apparently, of the collision?
A. I think she had some 7 or 8 beams broken into the hull of the boat nearly, and the guards carried away. The boat ran into her up to the hull of the boat; I think about 12 feet through the guards—up
240 to the hull of the boat, which is about 12.
Q. Was any injury done to the hull, or any impression on it?

A. I could not say.
Q. Was the cabin touched at all?
A Yes, sir; the joiner work in the cabin was injured.
Q. Port side—the ladies' cabin.
A. I could not say; it was the ladies' cabin?
Q. Did you make any sketch of it at the time?
A. I did.
Q. Have you that with you?
A. Yes, sir. (Witness produces sketch.) I took the size of the break in a book that I carried in my pocket.
Q. (By Mr. Beebe.) Is it a diagram?
A. Nothing but the size of the break I took in my book.
Q. (By Mr. Jackson.) Did you see anything of any part of the Washington after the collision?
A. I seen a piece of the stem of a boat in her, which I supposed was the Washington.
Q. What was the size of the stem, or piece of timber, whatever it was?
A. Well, I don't remember exactly now. I think something like four or five feet long.
241 Q. How thick was it?
A. About 8 inches thick.
Q. How wide was it?
A. I should judge, as near as I can recollect, about 15 to 18 inches, I should think from 15 to 18 inches; I don't remember distinctly.
Q. What was the direction of the blow or cut—that is to say, the direction as the boat was lying alongside, and you stood looking at her?
A. As near as I recollect I think it was nearly square into the boat.
Q. Does this little sketch show the position of the blow?
A. Well, sir; I think, as near as I can remember, I drew it in that way. I could not say exactly.

Cross-examined by Mr. Beebe:

Q. You have shown the diagram to the court?
A. Yes, sir; I showed it to this gentleman. Would you like to see it?
Q. Yes, I would like to see it. Is that intended to represent the partition—that line?
A. I think it is. (Witness makes a "X" to represent it.) I think that line is intended to show about the course that the boat ran through.
Q. That is intended to represent the first partition?
242 A. That is intended to represent the first partition.
Q. That is the outer edge of the wound?
A. Yes, sir; I think so. No, this line here is intended to show the guard, and that the hull, and that the——
Q. That is the inside partition or the hull?
A. Yes, sir.
Q. And this is the wheel-house here?
A. Yes, sir.
Q. That is the gangway?
A. Yes, sir.
Q. That shows, as near as you can get it, the angle of the wound?
A. Yes, sir; that is it.
Q. Was that wound as broad at the hull, or that side of the partition, as it was outside, or nearly so?

A. I could not say; that represents it so, of course.
Q. Does your recollection correspond with your diagram?
A. Well, I should think it would not make so large a hole on the inner side.
Q. I want to know whether your recollection corresponds with your diagram?
A. No, sir.
Q. Then the diagram is defective?
243 A. I don't know but it is.
Q. If it don't correspond with your recollection, which is right?
A. I believe the diagram to be as near correct, about, as I could draw it properly.
Q. Which do you rely mostly upon, your recollection or the diagram, in regard to the character of that wound—I mean as to its shapes and condition, and the place?
A. My recollection would lead me to believe about the same as the diagram.
Q. That diagram shows that the inner portion of that wound is as extensive as the outer, or nearly so?
A. Not so much so—nearly so.
Q. I want to know whether your recollection corresponds with that diagram?
A. I think she was broken inside nearly the same as the diagram.
Q. About how wide was the mouth of that wound?
A. Fourteen feet, I think; I measured it.
Q. The inside of it?
A. The inside of it I should think was less.
Q. How much less?
244 A. Well, I could not say, sir; I should judge from my diagram, if I should take that, I should judge it was three to four feet less.
Q. Would your diagram show as much as that?
A. Yes, sir; I think it would.
Q. Look at it again and see.
A. I have just looked at it; I should judge there would be three feet, at least, difference.
Q. As exhibited by that diagram?
A. Yes, sir.

John Weeks, sworn on behalf of the claimants of the George Washington:

Examined by Mr. Donohue:

Q. What is your business?
A. Clerk of the local board of steamboat inspectors.
Q. Do you keep a record of the licenses?
A. Yes, sir.
Q. Do you know Mr. Smack, a pilot?
A. Yes, sir.
Q. Do you recollect of him getting his license in the latter part of 1866?
A. Yes, sir.
Q. Will you state when he got it?
A. The 17th day of September.
245 Q. Had he a license for that year, from May to September?
A. His license expired May 30th, 1866.
Q. The next license he got was when?

A. He came up on the 17th day of September and got a renewal.
Q. Who was present when he got the renewal?
A. I, alone in the office.
Q. Either of the inspectors there?
A. No, sir.

Cross-examined by Mr. Jackson:

Q. Do you issue these licenses personally?
A. Yes, sir.

Thomas Hudson, sworn on behalf of the claimants of the D. S. Gregory:

Examined by Mr. Jackson:

Q. Where did you reside in Sept., 1866?
A. I was in New York, sir.
Q. What was your occupation there?
A. Steamboat pilot.
Q. How long have you been a steamboat pilot?
A. Twenty-four years.
Q. Where?
A. On the North River; on ferry-boats between New York and Albany, and Newark and New York.
246 Q. What ferry have you been on?
A. I have been on the Pavonia and the Central railroad ferry.
Q. How long have you been on the Pavonia ferry?
A. Three and a half years.
Q. Are you there now?
A. No, sir.
Q. Were you there in September, 1866?
A. No, sir; I was on the Central ferry then: I was on a visit that Sunday that the accident occurred; I was on board the ferry-boat Pavonia on a visit.
Q. You say on the day the collision occurred; was it in the morning of that day?
A. Yes, sir; between 10 and 11.
Q. What direction was that ferry-boat and you taking; were you going to New York, or were you going to Jersey?
A. I was going to Jersey.
Q. Did you see anything of the collision at all?
A. No, sir; I didn't see the collision.
Q. What time did your ferry-boat reach Jersey?
A. I disremember whether we left New York at a quarter past
247 10 or half past 10; it was one or the other, and they run across in about 6 or 7 or 8 minutes.
Q. How often do they make trips?
A. Every fifteen minutes—two boats.
Q. On Sunday as well as any other day?
A. Yes, sir.
Q. Did you notice the tide as you were crossing that morning?
A. Yes, sir; I noticed it that morning.
Q. How was the tide when you were crossing?
A. First was a flood, along the docks.
Q. Did you observe whether there were any other vessels in that neighborhood when you were crossing?
A. No, sir; I don't recollect whether they were or were not.

Cross-examined by Mr. Donohue:

Q. You say there was a flood-tide along the docks?

A. Yes, sir.
Q. How was it out in the river?
A. Well, I don't recollect.
Q. Do you recollect your attention being called by any particular thing to the tide?
A. No, sir; I do not.
Q. When was your attention first called to them?
248 A. When we started out of the ferry slip, I noticed the boat kind of sagged up and down.
Q. And it was from that that you judged?
A. Yes, sir.
Q. Did you judge from anything else but that?
A. No, sir.
Q. When was your attention first called called to this—when were you first asked about this?
A. How do you mean?
Q. Who first asked you about this tide?
A. I don't recollect, but I think it was Captain Smack's brother. I think I had the conversation with him first, about how the [the] tide was.
Q. What date did you say it was?
A. It was in September; I don't know the date.
Q. You don't recollect the date?
A. No, sir; I do not, of my own knowledge.
Q. You have no recollection of the date?
A. No, sir; I have not.
Q. How long since Captain Smack's brother asked you the question?
A. That I don't recollect. It was some time this last fall.
249 Q. When did you come back on that trip? When you went over to Jersey, when did you come back?
A. We left the other side about 15 minutes from the time we left this side. We leave every 15 minutes.
Q. You came right back?
A. Yes, sir; we came right back.
Q. Did you notice, when you came back, how the tide was?
A. Yes, sir; when we came back the Washington was backing out from Chambers street.
Q. When you came back the Washington was backing out from Chambers street?
A. Yes, sir.
Q. What time of day was that?
A. That was about 11 o'clock, I presume; near 11—between 10 and 11.
Q. (By Mr. Jackson.) Do you know the Washington?
A. I have seen her often.
Q. What kind of a bow did she have?
A. A sort of high bow, not very sharp; a little high bow. It was a strange-looking bow too.
Q. Are you sure this was on Sunday that you went over?
A. Yes, sir; because I couldn't go any other day. I was on the ferry every other day.
250 Q. (By Mr. Donohue.) The Washington's pipe, you recollect her?
A. Yes, sir.
Q. She had one pipe?
A. Yes, sir.
Q. Directly in the rear of her engine?
A. I think it was in the rear of her engine—if I am not mistaken.
Q. I am pretty sure it is?

Ludwick Hoffman, sworn on behalf of the claimants of the D. S. Gregory:

Examined by Mr. Jackson:

Q. What was your occupation in September, 1866?
A. I was pilot on the Pavonia ferry.
Q. Were you running September 16th, 1866.
A. I was.
Q. How long have you been a pilot on the ferry-boat?
A. Since she started.
Q. Since the ferry started?
A. Yes, sir.
Q. How many years thereabout?
A. About 5 or 6 years, I think.
Q. (By Mr. Beebe.) What boat were you running?
A. The Pavonia.
Q. (By Mr. Jackson.) Was the Pavonia running during the morning?
251 A. Yes, sir.
Q. From what hour?
A. Well, we left every 15 minutes. I disremember the time that we were on; whether we were on even time or quarter time.
Q. You ran the whole day?
A. I was running up to 12 o'clock.
Q. By Mr. Beebe.) Fifteen minutes each side?
A. Yes, sir.
(Q. By Mr. Jackson.) Did you see anything of this collision?
A. I did not.
Q. (By Mr. Beebe.) You didn't see the Gregory?
A. I didn't see the collision.

Samuel McCarthy, sworn on behalf of the claimants of the D. S. Gregory:

Examined by Mr. Jackson:

Q. Where did you reside in Sept., 1866?
A. Jersey City.
Q. What was your occupation?
A. Deck-hand on the Gregory.
Q. How long have you been on the ferry-boat?
A. Four years on the ferry.
Q. Four years on the Gregory?
252 A. Not exactly four years on the Gregory; two years on the Gregory, and four years on the ferry.
Q. Were you on the Gregory on the morning of the 16th of Sept., 1866?
A. Yes, sir.
Q. At the time of this collision?
A. Yes, sir.
Q. Where were you; on what part of the Gregory were you?
A. I was on the Gregory, on the gentleman's side; pretty well towards the New York end.
Q. Where was the Washington when you first saw her?
A. I saw her a little off Canal street—a little above Canal street—very little above there.
Q. Could you form any idea how near she was to the New York shore?
A. Well, I should judge, about as near as I could imagine, she was

then about 230 or 250, or somewhere about there—230 yards, right along the dock.

Q. What speed was she apparently going?

A. Apparently going at a pretty good speed.

Q. What was her direction?

253 A. Her direction was down the river—down along the docks, in a parallel line with the docks, a little to the southward, if any.

Q. Where was the Gregory when you first saw the Washington; how far out from the Jersey City slip?

A. She was about 150 feet to two hundred off from the south end of the ferry slip.

Q. When you first saw her?

A. When I first seen her.

Q. What called your attention to this boat away over on the other side of the river?

A. I heard a whistle from the Gregory blown, and I was in the act of opening one of the doors.

Q. What first arrested your attention to the Washington?

A. The whistle from the pilot of the Gregory; I heard the whistle blown on the Gregory distinctly.

Q. Where was the Gregory when the whistle was first blown?

A. About 300 yards off from the south end of the Desbrosses street ferry.

Q. Did you hear any other whistle?

254 A. I ran out on the forward deck and hurried up towards the pilot-house, and I seen his hand on the bell and pull the whistle, while at the same time he was looking up the river towards the Washington. The Washington was then about 550 yards from me at the time, or somewhere about that, at the time he pulled the second whistle.

Q. Where was the Gregory when the second whistle was pulled?

A. Then the Gregory was approaching about 175 to 200 feet of her slip; when the second whistle was blown she was about in the neighborhood of 200 feet from the slip.

Q. How far was she from the New York side?

A. From the New York side, from the time the second whistle was blown, she was off about 200 yards in the stream, a little to the south of the slip.

Q. She was that many feet south of the slip?

A. She was south of the slip about 5 or 6 yards, I should judge; that is, the lower end of the slip, not the upper end.

255 Q. Then she was just below the end of her slip?

A. She was just heading in for the lower end of the slip—for the south end of the slip; that is, on the right-hand side of the south end.

Q. Did you see the Washington strike the Gregory?

A. Yes, sir; I stood on the deck and watched her; she struck the Gregory on the port side.

Q. At about what spot?

A. I heard the pilot of the Washington strike one bell as she struck, and then she cut through 18-inch guard of white oak—cut it like you would a match—came right through, made no stop at all, but went right through with her bow; fastened on the hull of the Gregory, and broke the top plank of the Gregory's hull in, and there landed.

Q. Did you hear any other whistle besides the two that were given by the Gregory?

A. I watched towards the pilot-house of the Washington all the time to see if I could see any signal blown, and I never seen any blown.

Q. Did you hear any?

256 A. No, sir.

Q. Did you see any one in the pilot-house of the Washington?

A. Yes, sir; I saw some passengers in the pilot-house after the boat struck; I seen some few passengers in the pilot-house.

Q. How many?

A. I could not tell how many there were there; I did not count them; I had not time to count them.

Q. What kind of passengers were they?

A. I think it was a woman I seen sitting down; I am not certain; I think it was a woman by the appearance of the clothes.

Q. Were there any standing up?

A. Yes, sir; some gentlemen.

Q. Where did they stand?

A. On the side of the pilot.

Q. Which side?

A. I don't know which; one man stood behind him, and one at the side of him.

Q. Which side of him?

A. On the left-hand side of him, I think they stood.

Q. Was there anything to prevent the Washington from run-

257 ning astern of the Gregory?

A. Nothing at all to prevent it.

Q. Were there any other craft around that part of the river?

A. Nothing, that I seen, at all.

Q. What was the speed of the Gregory at the time of the collision? Was she still moving or stopped?

A. She was moving along at the same usual speed; moving along.

Cross-examined by Mr. Donohue:

Q. What were you doing on the Gregory as she came over?

A. As I was leaving the dock of the Jersey side, I was coiling up some hose, and had them coiled up by the time I got across the river.

Q. What were you doing?

A. The time I heard the whistle I was going on the forward side of the boat—on the New York side; I had the hose put away at the time, and was going into one of the rooms.

Q. You heard the whistle blow, and you went out and looked?

A. I went out on the forward deck and looked.

Q. At the time where did you see the Washington?

258 A. I seen her off Canal street, coming down on a parellel line with the docks.

Q. About how far off the Canal street dock?

A. I should judge she was off about 250 feet, or somewhere about there.

Q. About how far was your boat from the lower pier at that time? How far was your boat off from the lower pier at your slip there?

A. About 175 yards out; I think about that.

Q. 175 yards out from the end of the New York pier?

A. She was in a diagonal line with the head of the centre pier, heading for the head of the centre pier; she was about 175 feet out into the river.

Q. Do you mean, when you say feet for the Washington, that it was yards?

A. It was yards.

Q. The same thing you mean, when you speak to me about the Washington, is yards?

A. Yes, sir.

Q. The Washington was how far out from the Canal street pier?

259 A. I told you once.

Q. Well, tell it again.

A. I will not; I won't answer it twice.

Q. How far was the Washington out from the Canal street pier?

A. She was about 200 yards, or over, or about 250.

Q. That was when the first whistle was blown?

A. That was when the first whistle was blown.

Q. At that time, when the first whistle was blown, where was the Washington?

A. I didn't see the boat at all.

Q. You didn't see the Washington at all?

A. After the whistle was blown; I said that.

Q. That was when you first saw her—that was the condition?

A. Yes, sir.

Q. How long was it from that to the second whistle was blown, do you think?

A. I should judge about a minute and a half, or thereabouts.

Q. Some little time?

A. Yes, sir.

Q. At the time you saw the Washington was your boat heading towards the slip?

260 A. She was angling on a half swing of the tide—about a half angle—heading in on a half angle.

(Question repeated.)

A. She was heading in with a half swing of the tide, her stern hanging down the river a little.

Q. (Referring to the diagram.) Suppose this to be the pier below, and this the [the] slip, and this the pier above, show me how your boat was heading in?

A. Our boat was heading in this shape—in that manner.

Q. That was when you first saw the Washington?

A. Yes, sir.

(The witness marked on the map the position in which his boat was heading as "No. 1.")

Q. That is your idea how the vessel was?

A. Yes, sir; that is about my idea.

Q. That is your notice of her position at the time you first saw the Washington?

A. Yes, sir.

Q. And the second whistle came a short time after that; did

261 you hear a bell on board of your boat?

A. No, sir; I heard no bell until after the Washington was struck, and then I heard one bell.

Q. About how many lengths of your boat was the Washington off from you when you first saw her?

A. About 900 lengths of our boat off when I first saw her—about there, as near as I can guess.

Q. About 900 lengths off?

A. I didn't say 900; I mean nine times the length of our boat off from the Washington when I first saw her.

Q. Nine times the length of the Gregory?

A. Nine times the length of the Gregory.
Q. How many times the length of your boat was she off when the second whistle was blown?
A. She was about 550——
Q. How many lengths? When the whistle was blown the second time, about how many lengths of your boat was she off?
A. She was, I should judge, about eight lengths and a half—about there.

262 George Ackley sworn on behalf of the claimants of the D. S. Gregory:

Examined by Mr. Jackson:

Q. What was your occupation in September, 1866?
A. I was on the Gregory.
Q. Engineer on the Gregory?
A. Engineer on the Gregory—
Q. Were you on the Gregory at the time of this collision with the George Washington, on September 16th, 1866?
A. Yes, sir.
Q. Did you hear any signal given before that collision?
A. I heard one whistle.
Q. By what boat given?
A. I could not say; supposed to be the Gregory.
Q. Did you hear any more than one whistle?
A. I heard another one a short time afterwards.
Q. What boat gave that?
A. I could not say any further.
Q. Where were you?
A. I was in the engine-room
Q. Did you hear any other signal given?
A. No, sir.
Q. Did you hear any other sound, or any other notice, on board the boats?
263 A. No, sir; I heard no other whistle.
Q. I didn't say "whistle;" I said "signal."
A. No, signal.
Q. Did you hear any bell rung?
A. The bell rung to me.
Q. Then, why do you say you didn't hear any signal? You heard a bell rung to you; what was that bell?
A. That was a jingling bell.
Q. What was that jingling for?
A. That was to go ahead fast.
Q. Did you respond to that signal?
A. I did.
Q. When was that given?
A. Just after the first whistle.
Q. How long after it?
A. I should think about half a minute.
Q. And then the second whistle, how long was that after the jingle?
A. About half a minute more.
Q. Did you respond to this signal, and push your boat ahead?
A. Yes, sir.
Q. What kind of an engine has your boat got?
A. She has a beam engine, with Sickle's cut-off.
Q. Was it in good order at that time?
A. Yes, sir.

A. It was yards.

Q. The same thing you mean, when you speak to me about the Washington, is yards?

A. Yes, sir.

Q. The Washington was how far out from the Canal street pier?

259 A. I told you once.

Q. Well, tell it again.

A. I will not; I won't answer it twice.

Q. How far was the Washington out from the Canal street pier?

A. She was about 200 yards, or over, or about 250.

Q. That was when the first whistle was blown?

A. That was when the first whistle was blown.

Q. At that time, when the first whistle was blown, where was the Washington?

A. I didn't see the boat at all.

Q. You didn't see the Washington at all?

A. After the whistle was blown; I said that.

Q. That was when you first saw her—that was the condition?

A. Yes, sir.

Q. How long was it from that to the second whistle was blown, do you think?

A. I should judge about a minute and a half, or thereabouts.

Q. Some little time?

A. Yes, sir.

Q. At the time you saw the Washington was your boat heading towards the slip?

260 A. She was angling on a half swing of the tide—about a half angle—heading in on a half angle.

(Question repeated.)

A. She was heading in with a half swing of the tide, her stern hanging down the river a little.

Q. (Referring to the diagram.) Suppose this to be the pier below, and this the [the] slip, and this the pier above, show me how your boat was heading in?

A. Our boat was heading in this shape—in that manner.

Q. That was when you first saw the Washington?

A. Yes, sir.

(The witness marked on the map the position in which his boat was heading as "No. 1.")

Q. That is your idea how the vessel was?

A. Yes, sir; that is about my idea.

Q. That is your notice of her position at the time you first saw the Washington?

A. Yes, sir.

Q. And the second whistle came a short time after that; did

261 you hear a bell on board of your boat?

A. No, sir; I heard no bell until after the Washington was struck, and then I heard one bell.

Q. About how many lengths of your boat was the Washington off from you when you first saw her?

A. About 900 lengths of our boat off when I first saw her—about there, as near as I can guess.

Q. About 900 lengths off?

A. I didn't say 900; I mean nine times the length of our boat off from the Washington when I first saw her.

Q. Nine times the length of the Gregory?

A. Nine times the length of the Gregory.
Q. How many times the length of your boat was she off when the second whistle was blown?
A. She was about 550——
Q. How many lengths? When the whistle was blown the second time, about how many lengths of your boat was she off?
A. She was, I should judge, about eight lengths and a half—about there.

262 George Ackley sworn on behalf of the claimants of the D. S. Gregory:

Examined by Mr. Jackson:

Q. What was your occupation in September, 1866?
A. I was on the Gregory.
Q. Engineer on the Gregory?
A. Engineer on the Gregory—
Q. Were you on the Gregory at the time of this collision with the George Washington, on September 16th, 1866?
A. Yes, sir.
Q. Did you hear any signal given before that collision?
A. I heard one whistle.
Q. By what boat given?
A. I could not say; supposed to be the Gregory.
Q. Did you hear any more than one whistle?
A. I heard another one a short time afterwards.
Q. What boat gave that?
A. I could not say any further.
Q. Where were you?
A. I was in the engine-room
Q. Did you hear any other signal given?
A. No, sir.
Q. Did you hear any other sound, or any other notice, on board the boats?
263 A. No, sir; I heard no other whistle.
Q. I didn't say "whistle;" I said "signal."
A. No, signal.
Q. Did you hear any bell rung?
A. The bell rung to me.
Q. Then, why do you say you didn't hear any signal? You heard a bell rung to you; what was that bell?
A. That was a jingling bell.
Q. What was that jingling for?
A. That was to go ahead fast.
Q. Did you respond to that signal?
A. I did.
Q. When was that given?
A. Just after the first whistle.
Q. How long after it?
A. I should think about half a minute.
Q. And then the second whistle, how long was that after the jingle?
A. About half a minute more.
Q. Did you respond to this signal, and push your boat ahead?
A. Yes, sir.
Q. What kind of an engine has your boat got?
A. She has a beam engine, with Sickle's cut-off.
Q. Was it in good order at that time?
A. Yes, sir.

Q. Did it respond promply or not to [to] the action of the engineer?

264 A. It responded promply.

Cross-examined by Mr. Donohue:

Q. What is the difference in speed that your engine bell will create; that is, the number of turns you will take? What would be the relative number of turns an engine bell would make?

A. It would make about two turns a minute, I should think.

Q. More?

A. More.

Q. How many turns does she ordinarily make?

A. I could not say; I never counted the turns.

Q. Cannot tell?

A. I never counted them, I say.

Q. Cannot you give us any idea, being engineer of the boat as long as you have been, how many turns the engine will make in a minute?

A. With the steam she had, I think she would make about 12 turns.

Q. And this would make two turns a minute more?

A. Yes, sir.

Q. Did you feel the shock of the collision?

265 A. I did.

Q. (By Mr. Van Santvoord.) You say you felt the shock of the collision. How long after this engine bell was rung did you feel it?

A. A minute or a minute and a half; somewhere about that; I could not tell exactly.

Q. You think it was once that?

A. About once that, I should judge.

(The license of the D. S. Gregory is admitted by Mr. Donohue.

Claimants of the D. S. Gregory rest.

Mr. Beebe read the deposition of Jacob Sherman.)

Adjourned to Wednesday, January 22d, 1868, at 11 o'clock.

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267 Jacob Sherman, of New York, engineer, aged 27 years, says that he is going to leave New York for California at twelve o'clock to-day. I was on board of the George Washington at the time of the collision with the Gregory; my first attention was called while I was walking in the gangway f'rward aft by two whistles blown by the George Washington; I walked ten feet further forward, when four bells struck, two to stop and two to back her; I was about on the shaft; I stopped and told the engineer not to get flustrated and back stout; I stood there and saw the cranks go over the upper centre three times; then I walked to the forward gangway door; I saw the ferry-boat and got the people off our forward deck, except two or three, I saw the ferry-boat; I expected there would be a collision; I walked thirty feet to get to the forward door; I walked; did not run. Our vessel was off about 50 or 60 yards further in the river than the end of the Boston pier, foot of Vestry street; we were about off that dock at the

268 time of collision, when I just looked up our, and had got to the Boston pier; we had made two landings that morning; one at 34th street, and one at Christopher street; we had made at 34th street the landing head up, and the one at Christopher street, landed aft head down; the tide was ebb.

Cross-examined by Mr. Van Santvoord:

The Washington was on an excursion; I was right along the side of

the steam chimney, when I heard the blasts of the whistles, (on the maindeck;) that steam-chest is between the engine-shaft and a little abaft midships in the centre of the boat; there is a fore-and-aft gangway on each side or passage-way; I was on the New York side of the steam chimney, where I was standing, and if I had looked forward, I would looked between the paddlebox and the machinery; when I heard the steam-whistles I was walking forward to collect the fair in the forward end of the boat. Before I heard this whistle, I did not look forward down the river between the paddle-box and machinery; when I put the gangway rail up I only looked down off the boat to see
269 about how many passengers we had; this was just after we left Christopher street, before the whistle blew; what I was about was, collecting the fare from the passengers; when I heard the whistle, I walked along to the shaft; there are stairs going over the shaft; the shaft was a little forward of amidships; I heard the bells strike just as I put my foot on the first step going over the shaft; one bell struck first to slow, one to stop, and two to back; the bells which I heard as I put my foot on the step was the two bells to back; the bells to slow and stop had rung one or two seconds before this; the two bells to back her rang rather quick, but the other two bells were not rung quicker than ordinary; I was walking to and very near the shaft when I heard the first two bells; when I was on top of the shaft I looked forward; I did not see the Gregory at that time; after my speaking with the engineer, I walked forward to the gangway door, the door that opens on the forward deck; I then saw the Gregory for the first time; she was headed a little forward of our wheel on our starboard side; she was 40 or
270 50 yards off; I could not tell exactly; when I saw the Gregory heave his wheel over to cross our bows, I sung out to the passengers and rushed them off the forward deck; very soon after this, the collision occurred; when I first got out by the forward gangway door, I saw the ferry-boat coming; then I looked at the dock and saw the Boston dock just below the slip; the bow of our vessel at this time was about off the upper corner of the dock; the collision then all happened in a very few seconds; the Washington was not much further below the dock when the collision happened than when I first looked at the dock; I heard no whistle from the Gregory; I wouldn't swear it didn't blow, but I didn't hear any; I stood over the shaft long enough to speak to the engineer, and see the crank go over the upper centre three times after he reversed, and told the engineer to back her stout and not get flustrated; I couldn't say how long the tide had been running ebb; it was running ebb when we lay at 34th street; I should say it was the last of the
271 ebb tide; it was running ebb at the time of the collision, and after as we floated down the stream; after leaving Christopher street, we kept well off into the river; we backed her head off from Christopher street. Sherman was the captain and I am his son.

Examined by Mr. Webster:

I have been an engineer about nine years; I was not engineer of the Washington; I was collecting fare for the man who had her chartered; the charterer's name was McDonald; he had her chartered 8 or 9 Sundays; this was the 9th Sunday, I think. The arrangements were with McDonald that I was to have half the profits; McDonald chartered the boat; chartered her of Myers & Co.; he chartered her for the day only; the terms were $200 per day. Sherman, a brother of mine, was an engi-

neer on the Washington; Goodyers was at the engine at the time; I testified before the coroner in this matter.

J. P. SHERMAN.

Subscribed and sworn to before me this 11th day of Nov., 1867.
JOHN A. OSBORN, *U. S. Comm'r.*

272 (Indorsed:) Copy depositions of Jacob Sherman for cl'm'ts of Geo. Washington, taken before John A Osborn, U. S. Comm'r. Filed Nov. 11, 1867.

273 U. S. district court.

ANN CAVAN
vs.
THE ST. FERRY-BOAT D. S. GREGORY & THE st'boat Geo. Washington
} 3d day, Wednesday, Jan'y 22, 1868.

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275 U. S. district court.

ANN CAVAN
vs.
THE ST. FERRY-BOAT D. S. GREGORY & THE st'boat George Washington.
} 3d day, Wednesday, Jan'y 22d, 1868.

George Sherman, called for the claimants for the Washington, sworn, testified as follows:

Direct exam'n by Mr. Donohue:

Q. What is your business?
A. An engineer.
Q. Been so how long?

A. About six years.
Q. Were you on the George Washington?
A. Yes, sir.
Q. In what capacity?
A. Chief engineer.
Q. Where did you land at the last landing before the collision?
A. At Christopher street.
Q. How did you land?
A. Landed head down; made aft gangway.
Q. Passed aft?
A. Yes, sir.
Q. You started from there, what occurred after that?

276 A. I was aft when they landed at Christopher street; I was walking up through the port gangway, going forward, and just as I was crossing the shaft, I heard our whistle blow twice; I kept on out forward to see what we was blowing for; I went out to the forward gangway door, opening on the forward deck, and I saw the Gregory coming across the river, heading for about where we were then.

Q. How did she bear from you?
A. I am not familiar with the points of the compass; that is something out of my line, but I should think nearly to the southward and westward.
Q. Did you look at her to the right or left?
A. I looked to the right, probably two or three points.
Q. She was heading right for you?
A. Yes, sir; I walked out about 8 feet further to the chain-boxes, and was leaning against that looking toward the ferry-boat, and I saw she was shaping her course down the river.
Q. You mean her head was falling off from you?
A. Yes, sir; falling down the river, and she swung round nearly as fast as we were going down, about as fast. Then bells were rung from the pilot to slow, stop, and back.
Q. From what boat?
A. On our boat, the Washington.

277 Q. Do you know whether the bells were obeyed or not?

A. Yes, sir; I stepped back to the forward gangway door, and saw the second engineeer was there.

Q. Who was the second engineer?
A. Mr. Goetchins.
Q. Where is he?
A. In court here.
Q. How was the tide at the time?
A. Ebb-tide.
Q. Did you hear any whistle from the Gregory at all?
A. I did not.
Q. Or see any?
A. No, sir.
Q. Where did the collision take place as regards the Boston pier?
A. Right off the end of the Boston pier; pier 39.
Q. That is at the foot of Vestry street?
A. Yes, sir.
Q. Will you mark where it was on this map?
(Witness marked G. S.)
Q. (By the court.) Do you mean to put that merely as the direction of the pier?
A. I mean that as the direction from the pier?
Q. How far out was it?

A. I don't know as I could do that; I don't know the width of
278 the river; I should say we were about 200 yards from the end of the pier when the collision occurred, in the direction of that mark.

Cross-examined by Mr. Jackson:

Q. What were you doing away from the engine-room?
A. I had nothing to call me to the engine-room.
Q. Are you connected with the pilot of this boat?
A. I am a son of his.
Q. Are you interested in the boat?
A. No, sir.
Q. What time did you go on the boat Sunday morning?
A. I staid aboard of her all night Saturday night.
Q. What time did you go on her the last time before the collision?
A. Sometime the day before.
Q. And staid on all the time after?
A. Yes, sir.
Q. Do you recollect the hour you went on?
A. No, sir; I do not.
Q. Was it as late as ten o'clock in the evening?
A. I think not.
Q. Are you positive it was not as late as 10 o'clock when you went on?
A. Yes, sir.
279 Q. When did your father come on board?
A. I don't know as to that.
Q. You are very positive you don't know what time he came aboard?
A. Yes. sir.
Q. How far off was the Gregory when you first saw her?
A. I should think she was upwards of 400 yards off.
Q. What directed your attention to the tide at that time?
A. I knew from the way we made our landings.
Q. Where were you when you heard the bells?
A. Standing on the forward deck.
Q. You testified before the coroner, did you not?
A. Yes, sir.
Q. What did you mean when you said there, "I got four bells;" you used that language?
A. No, sir; I didn't.
Q. Do you deny that?
A. I do.
Q. Did you sign the evidence taken before the coroner?
A. I signed the evidence there.
Q. It was read over to you?
A. As I understood the evidence, it was, "I heard four bells;" there was a question raised before the coroner about that, and whether I
280 returned to the engine after hearing those bells; it was understood that I was attending to the engine, and I made my statement there that I heard four bells, and that there was no need for me to return to the engine to answer these bells, for I was not on duty at the time.
Q. Did you return to the engine?
A. No, sir.
Q. Not at all; not for any purpose?
A. Not until after the collision.
Q. Will you look at this chart, and show where you were when you first saw the Gregory?

A. About opposite pier 42 or 43; along here. (Witness marked G. S., 1.)

Q. Will you mark where the Gregory was when you first saw her?

A. She was a little off the upper corner of pier 39, above 39—I don't know as to the distance from the docks, as to that mark.

Q. Get the distance as near as you can from the dock to your boat?

A. I could not say as to the distance, as to that.

Q. As near as you can.

A. I should say it was in this direction. (Marked G. S., 2.)

Q. Will you tell us where the collision occurred, on this chart?

281 A. I think it was about here. (Marked G. S., 3.) My first mark was not made with any reference to the distance from the dock.

Q. That is the question I asked distinctly; where you were when you first saw the Gregory?

A. Right abreast of that mark, as near as I can come to it by this chart.

Q. How far out were you?

A. About 200 yards.

Q. Does this mark (G. S., 3.) indicate where the collision was?

A. Yes, sir.

Q. Were you in the capacity of passenger or officer on board the boat?

A. I was an officer.

Q. On which hand of yours, as you were on the Washington, was the Gregory, when you first saw her?

A. On the right hand.

Q. Did she continue there up to the time of the collision?

A. Yes, sir; that is, to the right hand of our bows.

Q. You were pursuing a southerly direction?

A. Yes, sir.

Q. Where was your next landing-place?

A. Barclay street.

Q. How far below pier 40 is that?

A. I think about half a mile, perhaps a little more.

282 Q. That is the best of your knowledge?

A. Yes, sir; I don't know exactly—I never noticed it particularly.

Q. What were your duties as officer on board the boat at that time?

A. I was chief engineer.

Q. Were you with a party of friends on the boat that day?

A. No, sir.

Cross-ex'd by Mr. Van Santvoord:

Q. Will you state how the ferry-boat was heading when you first saw her?

A. By the compass, or in reference to our position?

Q. In reference to the river; standing across?

A. She was angling across, and up.

Q. Toward what part of the city was she heading?

A. She was heading, when I first saw her, to about the foot of pier 43.

Q. The pier above the one opposite which you were when you first saw her?

A. No, sir; about abreast of where we were; when I first saw her, she was heading for where we were, and we were abreast of 42 or 43.

Q. Did you observe any change in the direction of the ferry-boat after that?

A. I did, sir.

Q. If she had continued on the course she was when you first saw her, where would she have passed you?

283 A. She would have went under our stern.

Q. Was she any further out in the river than you were when you first saw her?

A. Yes, sir; I think as far again off the dock—easy as far again.

Q. She was as much farther from your line in the river, as you were out from the end of the piers?

A. Yes, sir.

Re-cross-ex'd, by Mr. Jackson:

Q. You say if the Gregory had continued her course, she was making for the pier abreast of which you were?

A. Yes, sir.

Q. How then could she have passed astern of you, if she had continued on that course?

A. She could not very well avoid it if she had continued that course; by the time she got there, we would have been a good deal further down the river, and she must necessarily have gone under our stern.

Q. You were about how many yards apart, at that time?

A. We were probably 450.

Q. When did she first commence to sheer to the right?

A. She was sheering when I first got a look at her.

Q. If she had continued sheering as you first saw her, would she have passed astern of you?

284 A. No, sir.

Q. (By Mr. Donohue.) The sheer yous peak of was down the river?

A. Yes, sir.

Q. What do you mean by down the river?

A. I mean to the southward.

Q. Do you mean to say the boat was going southward, or that the bow was sheering southward?

A. I mean to say the bow was sheering to the southward.

Q. When you first saw her?

A. Yes, sir; as soon as I saw her.

Q. Then I understand you to say, when you first saw the Gregory, she was sheering to the southward?

A. Yes, sir; as soon as I saw her, and I saw she was sheering.

Re-direct by Mr. Donohue:

Q. Are you familiar with the running of [of] ferry-boats round the harbor here?

A. Yes, sir; somewhat.

Q. At ebb-tide how does a boat come to get into the slip; does she come above it?

A. Yes, sir.

Re-cross by Mr. Webster:

Q. Are you familliar with the passage of ferry-boats from the Montgomery street dock in Jersey City, to Desbrosses street?

285 A. No, sir; they have no regular track, I think, unless it is foggy.

Q. Are you familiar with the track of the boats at ebb-tide?

A. No, sir; not all the way across.

Q. Are you familiar with the track of the boats at ebb-tide in any part of the way across?

A. Not until they get nearly to the slip on either side, whichever it is.

Q. How do you happen to be more familiar with that than in any other part of the river?

A. Crossing the river as much as I have.

Q. Are you familiar with the track of the boats about the centre of the river at ebb-tide?

A. That would depend upon what ferry they were on.

Q. I am speaking of this ferry.

A. Coming out of Montgomery street the tide generally sags them down a little, and soon as they get the proper sheer they generally head up, and get nearly abreast the Desbrosses landing so as to head above the slip.

Q. Will you explain what would be the course of this ferry-boat from Montgomery street to Desbrosses street, on a flood-tide, along the docks?

A. She would come over so as to strike New York below the slip.

286 Q. Then come along the docks to get in?

A. No, sir; she would have her course nearly straight in; they always allow for the tide, and let the tide sag down and bring them in.

Q. What distinction do you make between flood-tide and ebb-tide along the docks as to the course of the ferry-boats?

A. On a flood-tide they come below the dock, and on an ebb-tide they come above the dock.

Theodore M. Goetchins, called for the claimants of the Geo. Washington, sworn, testified, as follows:

Direct exami'n by Mr. Donohue:

Q. What is your business?

A. Engineer.

Q. Were you an engineer on the George Washington at the time of this collision?

A. I was.

Q. Did you see the collision?

A. No, sir.

Q. Before that collision, did you get any orders by bell?

A. I did.

Q. What were they?

287 A. Four of them; one to slow, and one to stop, and two to go back.

Q. Did you or not obey them?

A. I obeyed them, sir.

Q. At the time the collision occured, how many, if any, revolutions had you made back?

A. I had made three, and was on my fourth revolution back.

Cross-ex'd by Mr. Van Santvoord:

Q. Were these bells very close together?

A. The two last were rung very quick and very distinct; perhaps there was a second or a little more betwixt the first ones; the other two were rung very quick.

Q. How long does it take to make three revolutions?

A. Well, from a half a minute to a minute.

Q. Would that have any effect to check her headway?

A. Yes, it would.

Re-direct by Mr. Donohue:

Q. How many turns back would stop her?
A. Seven to eight.
Q. Stop her dead?
A. Yes, sir.

Washington L. Lewis, called for claimants of the George Washington, sworn, testified as follows:

288 Ex'd by Mr. Donohue:

Q. Were you on board the George Washington at the time of this collision?
A. Yes, sir.
Q. As what?
A. I was soliciting passengers that morning, selling tickets, and collecting tickets.
Q. When you landed at Christopher street, did you land head down or head up?
A. We landed head up; that is the first time.
Q. When you got to Christopher street, coming down, how did you land?
A. Head down.
Q. What gangway did you land at?
A. At the aft gangway.
Q. And passed aft?
A. Yes, sir.
Q. Did you hear any bells rung on either boat?
A. I did sir.
Q. On which boat?
A. On the George Washington.
Q. What bells rung?
A. I heard four bells.
Q. Where were you when you heard them?
A. Standing in the aft gangway, on the port side.

Q. What did you do?

289 A. I stepped out and looked at the engine-room, that is on the same side I was standing. I heard them hallooing outside, and I walked up forward.

Q. When you looked in the engine-room, what were they doing—did you see the engine going?
A. That I can't say.
Q. You walked forward?
A. Yes, sir.
Q. Had the collision occurred then?
A. It was just occurring then as I got to the forward gangway.
Q. How far did you walk?
A. Probably 75 to 100 feet; I can't say.

Cross-examined by Mr. Jackson:

Q. What time did you go on board the Washington?
A. Somewhere in the neighborhood of 7 or 8 o'clock, as near as I can recollect, in the morning.
Q. Did you spend the night on the boat?
A. No. sir.
Q. Who did you spend the evening with?
A. At home, I suppose.
Q. Did you see Captain Sherman go on board?

A. Yes, sir.
Q. What time did he go on board?
A. That I cannot say; he might have been there when I first went aboard; I went aboard at Barclay street.
290 Q. You don't recollect?
A. I cannot say positive. I am under the impression he was on board at the time.
Q. I thought you said you did see him go aboard?
A. I did not say so, sir.
Q. When you landed at Barclay street, were you stem or stern down the river?
A. I was not aboard then. I got aboard at Barclay street.
Q. How do you know then the position of the boat at the landing above?
A. We made those landings afterwards. We went up to 34th street, and returned from 34th street, and made the landing at Christopher street.
Q. Did you stop at Barclay street on your return?
A. We did not; no, sir.
Q. When you were at Barclay street, how were you laying?
A. I am under the impression we laid on the north side of the pier, and the bow was pointing to the westward.
Q. How was it at Christopher street going up?
A. We made our landing going up at Christopher street bow up.
Q. What hour was that?
291 A. I can't say positive; I think it was between 8 & 9, or somewhere about that neighborhood.
Q. How did you make your landing first at 34th street?
A. We made our landing head up; made the forward gangway.
Q. When you returned and stopped at Christopher street, how did you make it?
A. Going down we made it head down, and made our aft gangway.
Q. What was the tide at that time?
A. The tide was running down.
Q. You kept the bow down the river, did you?
A. Yes, sir.

Cross-examined by Mr. Van Santvoord:

Q. Did you hear any signals; any steam-whistle?
A. I cannot say as to that; I did not take any notice of it.
Q. You didn't notice any?
A. No, sir.

William H. Vandenberg, called for the claimants of the George Washington, sworn, testified as follows:

Ex'd by Mr. Donohue:

Q. What is your business?
A. Pilot.
Q. Been so how long?
A. From my youth up, almost; I've been a steamboat pilot about 16 years.
292 Q. Did you see this collision?
A. I did not.
Q. Did you see the boats after the collision?
A. I did.

Q. At the time how was the tide?
A. Ebb-tide; vessels were tailing down the river.
Q. You say you have been sometime a pilot; in landing a steamboat with the tide down and head down, which gangway do you land at?
A. We should land aft.
Q. Passing aft?
A. Yes, sir.
Q. Where were the boats when you saw them?
A. When I saw the Geo. Washington, the ferry-boat was coming in and the Washington laid down below, I think two or three piers athwart ships, and drifting down the river.

Cross-ex'd by Mr. Jackson:

Q. Is there any difference in the tide along shore and in the middle of the river?
A. Yes, sir; it slacks a little sooner along shore.
Q. How was the tide in the middle of the river at that time?
A. Ebb-tide.
Q. Ebb-tide along shore, too?
293 A. It was right along side of the docks, or just outside of them.

Cross-ex'd by Mr. Van Santvoord:

Q. Of what boat have you been the pilot?
A. I was in the Armenia then.
Q. Where was she?
A. She was lying on the upper side of Desbrosses street slip.
Q. Were you on board the Armenia at the time?
A. Yes, sir; I was.
Q. What called your attention to this?
A. I heard the boys halloo; I was aft when the collision occurred.
Q. When you saw the ferry-boat and the Washington, they were not in collision—they had separated?
A. They had separated.
Q. Before that, where were you?
A. On board the Armenia.
Q. Inside?
A. Yes, sir.

Re-cross-ex'd by Mr. Jackson:

Q. Can you swear, from your point of observation, whether the Washington was sailing or floating down?
A. When I saw the Washington she laid athwart ships the river.
Q. Was she sailing down or simply drifting?
A. Her wheels were not turning; she was drifting, as I supposed, down the river.
294 Q. You are sure of that?
A. I supposed so, of course; it was ebb-tide.
Q. I want to know whether you are positive she was drifting or sailing down?
A. I tell you I am sure she could not have been sailing, because she didn't turn her wheels.
Q. Are you positive the wheels were not turning?
A. Yes, sir; when I looked at her.
Q. Where were you standing?
A. I came on the dock; I was on the dock there, and went to see the ferry-boat come in, and then I went on board the ferry-boat to see the wounded.

Q. When you were on board the ferry-boat to see the wounded, then you looked at the Washington?

A. No; I didn't look at the Washington then.

Q. Did you see her sailing down afterwards?

A. No, sir; I came out and looked again, but she was out of my sight.

Q. Did you see the Washington at any time after that sailing down the river or in motion?

A. I did not.

Q. You say the boys called?

A. Yes, sir; some of the men hallooed, and sung out there was a collision, or something of that sort.

Q. Do you recollect who any of those were by name?

295 A. Some of our deck-hands, I believe.

Q. Was any officer of the Armenia there?

A. Mr. Seaman; they said he was down in the forward hold.

Q. Did you see any of them there?

A. I saw Mr. Seaman when I came out on the dock.

Q. He was one of those who were looking on?

A. Yes, sir.

Q. You mean Allan Seaman?

A. Yes, sir.

Q. What part of the river was the Washington when she was floating down; how far off the New York shore?

A. She might have been 400 feet from shore, I think.

Q. Where was the Gregory then?

A. I told you that when I saw the Washington the Gregory was coming in; she was out from the pier then.

Q. When you saw the Washington sailing down the river, the Gregory was where?

A. I didn't say she was sailing down; she laid there, drifting down.

Q. You had a good view of the river from there?

A. Yes, sir; I did.

Q. What boats did you see in the river aside from these two?

A. I didn't pay any attention to any other boats.

296 Q. You didn't see any others?

A. I don't know; I might have seen a dozen.

Q. What boats did you see floating down the river?

A. I didn't say I saw any other boats floating down the river; I saw vessels lying at anchor with their sterns down the river.

Q. What others did you see?

A. I didn't go to look at their names.

Q. Where were they lying?

A. Out in the stream.

Q. How far out?

A. About half the way, or a quarter of the way out.

Q. How many were there?

A. I didn't count them.

Q. Do you think there were as many as a dozen?

A. I cannot say; I didn't count them.

Q. Are you positive you saw six?

A. I am positive I saw vessels lying out there at anchor.

Q. Several of them?

A. I don't know whether there were several or three.

Q. How near were these vessels, which were lying at anchor to the Desbrosses street slip?

A. I don't know, sir.

Q. How near were they to your pier where the Armenia was?
297 A. Lying right off abreast, betwixt us and the Jersey shore.
Q. How many were there?
A. I don't know.
Q. Were there four?
A. There might have been four, and there might half been half a dozen.

Re-direct by Mr. Donohue:

Q. You say when you saw the Washington she was athwart the river?
A. She was athwart ships the river, and her bow was headed to the westward; she was not turning her wheels at all then.

Frank Teason, jr., called for claimants of the Geo. Washington, sworn, testified:

Ex'd by Mr. Donohue:

Q. What is your business?
A. Engineer.
Q. Been so how long?
A. Five years.
Q. Do you recollect this collision?
A. I saw them after they came together.
Q. What boat were you on?
A. The Armenia.
Q. Do you recollect where this collision occurred?
A. Yes, sir; it was between the ferry slip and the Norwich dock; right off about the middle of the river.
298 Q. You say you saw them come together?
A. No, sir; I did not.
Q. You didn't see them until after they came together?
A. That is all.
Q. Below you?
A. Yes, sir; below us.
Q. About how far below your wharf?
A. A pier below; but they were out in the middle of the river though.
Q. How far a distance do you suppose they were below you?
A. I never figured that.
Q. When you say one pier, do you mean that one pier below?
A. I mean the Norwich dock; the Vestry street dock.

Nicholas Bertain, called for the claimants of the Geo. Washington, sworn, testified:

Ex'd by Mr. Donohue:

Q. What is your business?
A. I have been following steamboating some, and have been boating about 28 years.
Q. Were you on board either of these boats at the time of the collision?
A. I was on board the Geo. Washington.
299 Q. Where were you?
A. I was standing in the forward gangway when I first saw the Gregory.
Q. How was the tide?
A. Ebb-tide; I was particular about that, for I noticed it when we

laid at 34th street, and I noticed it when we landed at Christopher street; the tide was setting down along the dock.

Q. Where was the ferry-boat when you first saw her; about how far off?

A. She was about, I should judge, 5 or 600 yards.

Q. You were going how?

A. We were heading about S. by W.

Q. As the two boats were then heading, would they have come together?

A. No, sir.

Q. Where would the ferry-boat have gone?

A. She would have went under the Geo. Washington's stern.

Q. What change, if any, did the ferry-boat make after that?

A. I noticed her particularly, and I noticed her head going to the southward; he hove his helm aport and fetched his head round, and he kept it there, and followed the Washington around as she came down; and I noticed him when they were about a couple of hundred yards from each other, he hove his helm a little more aport, because she
300 didn't come around fast enough to suit him to cut off the Washington.

Q. Where did the collision occur?

A. Pretty much off pier 39; I think 2 or 300 yards off the dock.

Q. Did you hear any bells on board of your boat?

A. I did, sir.

Q. What bells?

A. I heard four bells.

Q. Are you familiar with the signals of bells?

A. Yes, sir.

Q. What was that signal for?

A. It was to slow, stop, and go back.

Q. Do you know whether they were obeyed?

A. Yes, sir.

Q. I mean before the collision?

A. Before the collision; yes, sir.

Cross-ex'd by Mr. Jackson:

Q. Did you hear any signal from the Gregory?

A. I did, sir.

Q. What was the whistle?

A. I heard one whistle.

Q. One distinct whistle?

Q. It was not very distinct; I saw the steam escaping, and I heard the whistle.

Q. How far off was she from you then?

301 A. I think about 600 yards; 5 or 6.

Q. That was when you first saw her?

A. When I first noticed her.

Q. Was there anything to prevent the Washington passing astern of the Gregory?

A. It would have taken a great deal ranker shear for the Washington.

Q. Was there anything to prevent the Washington passing astern of the Gregory?

A. No, sir; I don't think there was.

Q. On what hand was the Gregory from the Washington when you first saw her?

A. She was away off to the westward, in the middle of the river.

Q. Where was the Washington; how many yards from shore?
A. She was a couple of hundred yards off; 2 or 3.
Q. Opposite what slip or pier?
A. I think about 42.
Q. When did you step forward?
A. I was standing in the forward gangway, on the port side.
Q. You testified before the coroner?
A. I did, sir.
Q. And you signed the testimony?
A. Yes, sir.
Q. You say there, as we have the testimony, "The Washington may have blown her whistle when I was aft."
A. I was aft when she landed at Christopher st.
302 Q. That was before you saw the Gregory?
A. Before I saw the Gregory; she might have blown her whistle, and I might not have heard it; I didn't hear any whistle.
Q. Where was the collision; opposite what pier or slip?
A. About off pier 39.
Q. Directly opposite, or a little south, or a little north?
A. A little to the north of the pier, I think.
Q. About how many yards out from the New York side.
A. Well, 200 yards.

Re-direct by Mr. Donohue:

Q. You were aft at the landing at Christopher street?
A. Yes, sir.
Q. After leaving Christopher street you walked forward?
A. Yes, sir; I don't recollect whether I came right forward after leaving Christopher street or not.

Cross-ex'd by Mr. Van Santvoord:

Q. Opposite what pier was the Gregory when you first saw her?
A. She was well off in the river; may be a little over half, and pretty much off Desbrosses street, heading above the Washington, if
303 anything, at that time; at the time she struck the Washington, if she had kept on her course, she would have went head into the dock, I think.
Q. When you first saw the Gregory, was she above or below the range of pier 39?
A. Pretty much off the pier; she took a circle after that; she seemed to me as if she meant to land—as though the tide was ebb—to come in along pier 40.
Q. Do you know how these ferry-boats enter their slip?
A. I do, sir.
Q. On an ebb-tide?
A. Yes, sir; they would go to the northward of the slip so as to come into the upper side of it.
Q. And then sag down with the tide?
A. Yes, sir.
Q. How at flood-tide?
A. They would come below.
Q. Did you hear any whistles on the Washington?
A. I did not.
Q. How many whistles did you hear from the Gregory?
A. I heard one.

Re-cross-ex'd by Mr. Jackson:

304 Q. I suppose these ferry-boats make their slip as best they can under the circumstances?

A. I suppose some do.

Q. Was the river clear at this time?

A. There were some schooners at anchor to the westward of the Gregory as she was coming up.

Q. That is west of the centre of the river?

A. Yes, sir.

Q. Over toward the Jersey side?

A. Yes, sir.

Q. Those were all the boats you saw?

A. That is about all.

Re-direct by Mr. Donohue:

Q. On the courses as you first saw them, you say the Gregory would have passed under the Washington's stern?

A. Yes, sir.

Edward H. Frank, called for claimants of the George Washington, sworn, testified:

Ex'd by Mr. Donohue:

Q. What is your business?

A. Clerk.

Q. Were you on board either of these vessels at the time oft he collision?

A. I was on the George Washington.

Q. Do you know how the tide was?

A. I do not.

305 Q. Did you hear any whistle?

A. I did.

Q. From what boat?

A. From the George Washington.

Q. How many?

A. Two.

Q. Where were you when you heard them?

A. I was on the stern of the vessel, or towards the stern.

Q. Did you go forward?

A. After that.

Q. Did you notice at all about the engine when you passed?

A. No, sir; I did not.

Q. Do you know whether the wheels were turning forward or back?

A. I could not say; it felt to me as if the boat had either stopped, or some change any way—not exactly stopped.

Q. When did the collision take place, before or after you got forward?

A. Just as I was going forward.

Cross-ex'd by Mr. Jackson:

Q. What kind of a day was this Sunday?

A. A pleasant day—clear day.

Q. Was there any wind blowing?

A. Really, I could not say; not enough to make it disagreeable.

Q. Where was the Gregory when you first saw her?

306 A. She was just passing our bow when I saw them; I was in the stern, and I saw her just going ahead.

Q. How many yards was she from y ow?

A. Just as I was running forward she struck.
Q. How far were you from the New York side of the river?
A. I could not say.
Q. How many blasts were given at each time of this blowing of the whistle?
A. I only heard two.
Q. How far apart were those two blasts?
A. Not very far apart; there was a little interval; but meant for two whistles at a time, I should think.
Q. Opposite what pier was the Washington when that whistle was given?
A. I don't know.
Q. How soon was it before the collision?
A. Not very long; I heard the whistles blow and the bell ring.
Q. And then you saw the bow of the Gregory?
A. Yes, sir.
Q. Immediately?
A. Yes, sir; just after.
Q. A few seconds after?
A. But a little while after; I cannot say how long.
Q. Was it more than a minute?
A. I really could not tell.
Q. Was it two minutes?
307 A. I don't think it was.

Re-direct by Mr. Donohue:

Q. You say you heard a whistle, and also heard bells?
A. Yes, sir.

Cross-ex'd by Mr. Van Santvoord:

Q. You were on the aft part at the time you heard the whistles?
A. Yes, sir; on the stern part.
Q. Then you didn't go forward until after you heard the bells?
A. No, sir.
Q. How long an interval was there between the blowing of the whistles and the bells?
A. I could not say; but not very long.
Q. There was some interval?
A. There was a little one; I don't know how much; I was not paying attention enough to see.

James Sherman, called for claimants of the George Washington, sworn, testified:

Ex'd by Mr. Donohue:

Q. What is your business?
A. Seaman.
Q. Where were you at the time of this collision?
A. On the Barclay street pier.
Q. What were you doing there?
A. I was waiting for the Washington.
308 Q. Did you see her?
A. Yes, sir.
Q. Before or after the collision?
A. Before the collision,
Q. What did you see or hear her do?
A. I saw her when she came first around 13th street and was going

into Christopher street to land; I saw her leave Christopher street, and come out down along the docks; I noticed particularly them dock a ship there very nearly at pier 46, and as nigh as I could get at it, she was a pier or two below when I saw her blow two whistles; I saw the steam and heard the whistle both.

Q. Did you notice where the Gregory was at the time?

A. Yes, sir; she was about half-way across the river.

Q. How was the tide at this time?

A. Ebb-tide.

Cross-ex'd by Mr. Jackson:

Q. Will you show on this map where you were standing at the time you first saw the Washington?

A. I was standing right at the end of the Barclay street pier.

Q. Whereabouts?

A. Way out on the end of the pier—as far out as I could get.

309 (Witness marked the place J. S., 1.)

Q. How could you see the Washington—where did you say she was first?

A. If that is to represent the piers, it is not represented right; the Barclay street pier is out in a line with the Robinson street pier.

Q. When did you first see the Washington?

A. I saw her coming around 13th street.

Q. How far out was she in the river?

A. I should judge she was a hundred yards, coming round the piers there.

Q. Will you be good enough to mark where she was?

(Witness marks J. S., 2.)

Q. Where was she when she first blew the whistle?

A. As nigh as I could get at it, she was down about below 44, or somewhere along there. (Marked J. S., 3.)

Q. Where was the Gregory when you first saw her?

A. Somewhere off here; fully as far out as you have got her marked, and, I think, a little farther.

Q. She was above her pier?

A. She was about off pier 39, or, if anything, a little below; I think she was off outside of that line; a little to the westward of the line as you have got it here. (Marked J. S., 4.)

310 Q. Beyond the middle of the river?

A. No, sir; a little nearer the New York side.

Q. And opposite what pier?

A. She was about abreast of pier 39.

Q. Where was she when you first saw her?

A. When I first noticed her was when the Washington blew; probably I had seen her before, but didn't take any particular notice. These piers on that map do not represent the Barclay street pier at all.

Q. Which way was the wind?

A. There was no wind; what little air there was was off the land, about E. N. E. somewhere.

Q. Did the Washington change her course?

A. No, sir; not from the time she came out from Christopher street.

Q. Her course was straight down the river?

A. Well, yes, sir; about due north and south; very nearly or a little to the west of it.

Q. And the opinion which you formed of the position in which she was lying, was from looking from your position up from Barclay street?

A. Looking right head on to her; she was coming right head down.
Q. Was there any thing to prevent her passing astern of the Gregory?
311 A. No; the river was clear; she might have went over to Hoboken.

Re-direct-ex'd by Mr. Donohue:

Q. The pier you were standing on was a long pier?
A. Yes, sir; they were all of one length.
Q. You were standing at the upper end?
A. As far out as I could get.

Cross-ex'd by Mr. Van Santvoord:

A. When you say the course was due N. & south, that is assuming that the river is due north and south?
A. The river tends a little; but take it from Cedar street to 13th street, it is about due north and south.
Q. And when you say the boat was on her course due north and south, you mean fore and aft the river?
A. Yes, sir; fore and aft the river.
Q. And parallel with the ends of the docks?
A. Yes, sir.

Re-cross-ex'd by Mr. Webster:

Q. How far from the ends of the piers was she running?
A. Probably 200 yards after she left Christopher street; it might have been more; she would have had to go more than 200 yards out to clear that ship that was warping in at pier 46.

Re-cross-ex'd by Mr. Van Santvoord:

Q. Did you hear any signals from the Gregory?
312 A. Yes, sir; I saw it; I didn't hear it.
Q. Which was the first, the signal from the Washington or from the Gregory?
A. The Washington was first; I didn't hear the one from the Gregory; I merely saw the steam.
Q. Did you see more than one escape of steam from the Gregory?
A. No, sir; I supposed, at the time, she had blown the other blast, but I had not perceived it.

Re-cross-ex'd by Mr. Jackson:

Q. Do you mean to say she blew twice?
A. I supposed this whistle was in response to the Washington; I thought the Gregory was answering to the Washington, sir.
Q. You saw the steam indicating but one blast from the Gregory?
A. That is all, sir.
Q. Where was the Gregory then?
A. She was out in the river going up, and just about that time she apparently ported her wheel.
Q. About off what pier?
A. About pier 39.
Q. About how far out in the river when you first saw the whistle?
A. Five or six hundred yards.
Q. How many whistles did the Washington blow?
313 A. She blew two whistles.
Q. Did she repeat that signal?
A. No, sir.
Q. How far apart were those two vessels?

A. Right close together, pretty much; after the Washington had blown her whistle, I looked to see what she was blowing for, and I saw the Gregory, and I saw one puff of steam; I don't know whether she puffed any more; at the time I thought she had answered the Washington's two whistles, and I had not perceived the first one; she then ported her helm apparently; when I first saw them after that I did not think they would go together; I knew it was to be supposed the Washington would get down ahead of her; she would not have got in front of the Washington, if they had not rung the jingle bell, and hooked her and left her all open; if they had left the Gregory going at her usual speed she could not have got under the Washington's bow; she was not going fast enough to put her there, but the increasing the speed is just what put her there.

Q. How far is it from the Desbrosses street slip up to where you saw the Washington when she blew the whistle first?

A. Probably 500 yards.

314 Q. Do you know anything about the speed of these ferry-boats?

A. Yes, sir; they go about 9 or 10 knots.

Q. Do you know anything about the speed of the Washington?

A. She goes about 10 or 12, sometimes 14 or 15.

Q. How was she going then?

A. I should judge about 12 or 14, or along there.

Q. What was the speed of the Gregory about that time?

A. I suppose about 8 or 9.

Q. Do you suppose or do you know?

A. That is the best of my judgment; we don't know nothing.

Q. Could not the Gregory make five or six hundred yards in the time the Washington was running some 8 or 900?

A. I didn't say anything about any 8 or 900.

Q. What was the distance she was above Desbrosses street?

A. 4 or 500 yards.

Q. Then we understand that the Washington was only 4 or 500 yards above the Desbrosses street slip when she blew her whistle?

A. Yes, sir; somewhere along there, as nigh as I can get at it.

Cross-ex'd by Mr. Van Santvoord:

Q. How long had you been at the end of that pier?

A. I had been standing there half an hour.

Q. Had you been looking out for the Washington?

315 A. Yes, sir.

Q. At the time you first saw or heard these two blasts from the Washington, how far was the Gregory out of the range, between you and the Washington to the westward?

A. I suppose between 2 & 300 yards; I supposed she had a little further distance than the Washington had to run, and as the Washington had the tide in her favor she would cross her bow.

Q. She was 2 or 300 yards to the westward of the Washington?

A. She was good 300 yards.

Q. Are you any relation to the pilot?

A. I am a son of his.

Q. After you heard these two blasts from the Washington, you heard a blast from the Gregory?

A. I didn't hear it, I saw the steam; I don't think it was loud enough to hear.

Q. How long was that after?

A. Not but a few seconds.

Q. Then was that blast of the Gregory followed by the Gregory changing direction?
A. Yes, sir; she changed her direction shortly after.
Q. Immediately after this blast?
A. Yes, sir.
Q. Then how long was it after that before the collision happened?
A. It was a short minute, or about a minute.

316 Re-direct ex'n by Mr. Beebe:

Q. On the course upon which the Gregory was running before she ported and stood directly across, could there have been a collision if both vessels had kept their course?
A. No, sir; if she had kept that course, she would have been in about pier 46.
Q. What was the effect of her porting in reference to her position to the Washington?
A. It brought her down under the Washington's bow.

Frank Teson, jr., recalled:

Direct by Mr. Donohue:

Q. Did you hear a whistle from either of the boats?
A. I heard two whistles.
Q. From which boat?
A. From the George Washington.
Q. Where was she when she whistled?
A. About off Canal street.

George Irish, called for claimants for the George Washington, sworn, testified as follows:

Ex'd by Mr. Donohue:

Q. What is your business?
A. I was in no particular business at that time.
317 Q. Was you on board either of these vessels?
A. I was on board the Washington.
Q. As what?
A. As passenger.
Q. Where were you on the Washington?
A. I was sitting just aft of the wheel.
Q. On which deck?
A. On the upper deck.
Q. Did you hear any whistles on your boat?
A. I did.
Q. Were any bells rung on your boat?
A. Yes, sir.
Q. Where were you when you heard the whistles and the bells?
A. I was sitting on the rail of the seat.
Q. How long after the whistle was the bell rung?
A. Nearly directly.
Q. You are not a sea-faring man?
A. No, sir.

Cross-ex'd by Mr. Jackson:

Q. Were you with some friends on the boat?
A. Yes, sir.
Q. What were you doing?

A. We were conversing.
Q. Where did you get on the boat?
A. At Christopher street.
Q. How many minutes after you left Christopher street was it you heard the whistle?
318 A. I could not say.
Q. Was it ten minutes?
A. I could not say whether it was ten or 15, or less.
Q. You could not say within that range, 10, 15, or 5?
A. No, sir.
Q. How many whistles blew?
A. I am sure of one, but not sure of more than that; there might have been more; I am not positive.
Q. Whereabouts was the boat when you heard this single blast?
A. I should say a little above Canal street.
Q. How far off from the pier on the New York side?
A. I am not a very good judge of distances; I could not say.
Q. Did you see anything of the Gregory?
A. I did not.

George Philbrook, called for claimants for the George Washington, sworn, testified as follows:

Ex'd by Mr. Donohue:

Q. What is your business?
A. I follow the steam derrick business.
Q. Were you on board the Geo. Washington?
A. I was.
319 Q. Where were you?
A. At what time?
Q. Before the collision.
A. I was standing by the engine-room.
Q. Did you hear any bells or signals?
A. I heard bells strike on board the Washington; one bell to slow, and another bell to stop, and then one bell struck twice to go back, as I took it.
Q. Did she go back?
A. The engine was reversed, and she went back.
Q. That is the engine went back?
A. Yes, sir.
Q. Did you feel the jar of the collision?
A. I felt it.
Q. How much had she backed at the time of the jar?
A. I should judge 3 or 4 times.
Q. How was the tide when you were there?
A. It was running ebb.
Q. Do you know how they landed at Christopher street?
A. They landed head down; the gangway I went aboard was aft.
Q. Do you recollect where the collision occurred?
A. Off pier 39.

Cross-ex'd by Mr. Jackson:

Q. Do you know Captain Sherman?
A. I am acquainted with him.
320 Q. How long have you known him?
A. In the neighborhood of two years and better.

Q. Were you with him at any time on board the boat on that excursion?
A. I think so; yes, sir.
Q. Were you in the pilot-house with him?
A. Not to my knowledge.
Q. When did you first see him on that excursion?
A. Soon after I came on board the boat.
Q. What time was that?
A. Something in the neighborhood of 10.15, I should judge.
Q. Had you seen him before that morning?
A. Not to my knowledge.
Q. You are quite positive you had not seen him before that morning?
A. I am.
Q. Had you seen him Saturday evening?
A. I had not.
Q. Did you pass the pilot-house while you were on board the Washington?
A. I went past the pilot-house after the collision.
Q. Did you go past it before the collision?
A. Not to my knowledge; I did on the lower deck?
Q. Did you look into the pilot-house at all?
A. I did not.
321 Q. You don't know who manned the wheel?
A. I do not.
Q. How many trips have you been on that boat?
A. I could not answer that.
Q. Several?
A. Yes, sir.
Q. With this Captain Sherman?
A. Yes, sir.
Q. How many trips a day did that boat make?
A. I could not answer.
Q. How long were you on the boat that day?
A. I should judge about two hours.
Q. Only two hours?
A. I didn't say only; I don't know.
Q. Were you there three hours?
A. I couldn't say as to that.
Q. Are you sure you were there 2 hours?
A. I'm pretty sure I was there 2 hours.
Q. Did you stay on board the boat after the collision?
A. I did.
Q. What did you do?
A. I went with them when they made the landing.
Q. What did you do?
A. I was still staying on the boat.
Q. What did you do?
A. I preferred staying with the boat.
322 Q. But what did you do? Was you staying with the captain?
A. I merely walked about the boat same as any other person.
Q. Did you indulge in any refreshments?
A. Not to my knowledge.
Q. Did the captain indulge in any refreshments?
A. Not to my knowledge.
Q. Had you taken any refreshments with the captain on the boat?
A. Not to my knowledge.
Q. How many passengers were there on this boat?

A. I could not answer.
Q. Were there 50?
A. I should judge there was.
Q. Was there a crowd?
A. For that sort of a sized boat, I should not think there was.
Q. Were there 300?
A. I could not answer that.
Q. Where was the Washington when you heard her bell?
A. Off the neighborhood of Canal street.
Q. Did you hear any whistle from either boat?
A. I heard two whistles, but I am not positive where they come from.
Q. (By Mr. Donohue.) Did the two whistles come together?
323 Yes, sir,

Cross-ex'd by Mr. Van Santvoord:

Q. How long an interval was there between the time you heard these two whistles and the bell to slow and stop?
A. They were very nearly together.
Q. On what part of the boat were you when you heard the whistles?
A. I was by the engine-room on the lower deck.
Q. Do you recollect how long an interval there was between your hearing the two whistles and hearing the bells ring?
A. I cannot recollect exactly.
Q. Were there any passengers on the forward part of the Washington?
A. I didn't look forward at all until after the collision.
Q. You saw nothing of any effort to get passengers away from being hurt by the collision?
A. I did not.

Walter L. Schultz, called for claimants of the Geo. Washington, sworn, testified as follows:

Ex'd by Mr. Beebe:

Q. What is your business?
A. Steamboat pilot.
324 Q. How long have you been following that business?
A. I have been a pilot 15 years.
Q. Do you know the steamboat George Washington?
A. Yes, sir.
Q. Did you know her in September, 1866?
A. Yes, sir.
Q. Do you recollect the occasion of this collision?
A. I recollect hearing of it.
Q. You remember the day it took place?
A. Yes, sir.
Q. Did you see the Washington that morning?
A. I don't think I did?
Q. Where were you on that Sunday morning?
A. I was in the William.
Q. Where was she bound?
A. For the fishing banks?
Q. Were you in advance or after the Washington?
A. 15 minutes ahead of her.
Q. What point did you leave?
A. I left Spring street and pier 4.
Q. Do you know what was the condition of the tide at that time?

A. It was ebb-tide, sir.
Q. How was it running?
A. Running strong.
Q. Strong ebb?
A. Yes, sir.
325 Q. Did you notice from the appearance of the piers and wharves how long before it would reach high water?
A. No, sir.
Q. Can you be mistaken about the fact that it was running strong ebb?
A. No, sir; I cannot.
Q. How did you land?
A. I landed head up at pier 4.
Q. Is that the way you land with the tide ebb?
A. Most generally.
Q. That is the better way?
A. Yes, sir.
Q. Did you see the Washington that day after that?
A. No, sir; I did not.
Q. Is there any particular circumstance that fixes upon your mind the fact that it was running strong ebb?
A. Yes, sir; we had a collision, or not a collision exactly, down at pier 4; there were 4 boats running there at the time, and my boat being the smallest inside, Captain Hoffmire's boat came down into me and broke in my side-house.
Q. Drifted down into you?
A. Yes, sir.
Q. From above?
A. Yes, sir.
Q. Where would the flood-tide first make, at pier 4 or Christopher street?
326 A. At pier 4. It commences at Sandy Hook, and works up. We met the flood-tide that day at the Narrows.
Q. You discovered it directly?
A. Yes, sir.
Q. At pier 4 the boats drifted down upon you from above?
A. Yes, sir; it was a very strong, heavy tide; so much so that the heft of the boats broke my fenders off and broke my side-house in.

Cross-ex'd by Mr. Webster:

Q. What was the condition of the tide at half past ten at pier 39?
A. It was strong ebb, sir.

Richard L. Hoffmire, called for claimants of the George Washington, sworn, testified as follows:

Ex'd by Mr. Donohue:

Q. What is your business?
A. Steamboat pilot.
Q. Been so how long?
A. About 30 years.
Q. What boat were you on board of at the time of this collision?
A. The steamboat Wyoming.
Q. Did you land at Christopher street?
327 A. I did.
Q. Did you find any other boat there when you landed?

A. Yes, sir.
Q. What boat?
A. The Geo. Washington.
Q. When you landed there, how was the tide?
A. Ebb.
Q. How did you land?
A. Head-up, to the northward.
Q. How strong was it?
A. It was about a little more than half tide.
Q. How soon after you did the Washington leave?
A. I cannot say positive; she was in the act; Captain Sherman told me; he and I stood talking together; he said I must be off, and I must get out of his way; so I went up to the pilot-house and blowed my whistle, and told the boys to take the plank in, and we took the plank in and shoved off.
Q. Where did you go then?
A. To pier 4.
Q. Where were you bound?
A. To the fishing banks.
Q. How did the tide continue when you got down to pier 4?
A. Strong ebb; so we circled off, head up, and rounded out to
328 the middle of the river, and rounded into pier 4, and came head up.
Q. Landed forward?
A. Landed forward alongside of 3 or 4 little boats there was there.
Q. Are you familiar with the running of ferry-boats?
A. I have been at that business some; I always made calculations to keep up so as to come up and go in; at Desbrosses street I would keep up, and port my helm so as to go in square in the slip. I would keep up the river toward Canal street so as to head square in to the eastward.
Q. Did your boat drift foul of Captain Shultz's?
A. I didn't drift foul of Captain Schultz's boat, but we came down along side of another boat, and shoved him in against Captain Schultz.
Q. How did you do that?
A. In consequence of the tide flowing down so strong, and our boat being pretty heavy with a good many people on it.
Q. (By Mr. Webster.) What time was that?
A. That was about 9½ o'clock.
Q. Where did you strike the flood?
329 A. Along in the Narrows; it was slack-water way down to the buoy in the middle.
Q. What is the difference between the tide at the Narrows and the tide at Christopher street or Canal street?
A. Well, in the neighborhood of three quarters of an hour to an hour.
Q. What time did you reach that flood-tide?
A. Not far from ten o'clock.

Cross-ex'd by Mr. Jackson:

Q. When was it high-water that day?
A. It was high-water at the Battery at about 3 o'clock in the morning.
Q. What time would that bring it at Desbrosses street?
A. There is a wide difference between the Battery and up there, between the East River tide and the North River tide; the North River tide sets up some hour and a half or two hours longer.

Q. Give the time if you can?
A. It would be high-water, dead slack tide along about half past ten or 11 o'clock.
Q. It would be slack-water then?
A. Yes, sir.
Q. What time was the flood that day up there?
A. It would be going up good flood at 12 o'clock.
Q. Do you know what time the sun rose that day?
330 A. I could tell, I suppose, if I was to trace it back; somewhere in the neighborhood of four or five o'clock.

Michael Bunn, called for the claimants for the Geo. Washington, sworn, testified as follows:

Direct exam'n by Mr. Donohue:

Q. What is your business?
A. Pilot.
Q. On what vessel?
A. On the James Rumsey, on the Hoboken ferry.
Q. How long have you been on that ferry?
A. I have been there 15 years and over, one month.
Q. Do you recollect this time of the collision?
A. I recollect about the time of day.
Q. Were you on the ferry that day?
A. Yes, sir.
Q. How was the tide at that time?
A. It was the last of the ebb-tide.
Q. How was it as to strength?
A. It was slack-water close to the docks; outside it was setting down.

Cros-ex'd by Mr. Jackson:

331 Q. At what hour was it high-water that day; I mean at Desbrosses street?
A. That morning; I should judge it was in the neighborhood of somewhere about 4 o'clock.
Q. How many hours of flood do you have at that point before high-water?
A. The tide varies.
Q. In September?
A. As a usual thing we have five hours and from that to six hours; and sometimes we don't have no flood.
Q. How is it about the ebb, after high-water, how long in September?
A. About 5 or 6 hours.
Q. Can you state positively what hour it was-high water at Desbrosses street?
A. Not positive, but along about 4 o'clock.
Q. How do you prove that?
A. I should judge it was; I could not tell positive; we have to keep a pretty good run of the tide.
Q. Can you tell positive, from your own knowledge, what it was at that point at 10 o'clock, on September 16th, 1866?
A. Yes, sir.
Q. How was it?
A. It was slack-water along shore, close into the docks, and ebb outside.
Q. How far out from the pier?
A. Probably within a couple hundred feet; slack-water along.

332 Q. How was it at half past 10?
A. The tide slacked more & more.
Q. What time would it be flood?
A. The tide not set up—that day not till 11 o'clock, out in the river.
Q. Did it begin to set up along shore anywhere, before that?
A. It was slack-water along shore about 10, or a quarter past 10.
Q. Was it before that?
A. No, sir; not much before that; it slacked a little, of course; the strength of the tide was done.
Q. What time did the flood first begin to run up along shore?
A. About 11 o'clock the tide began to set up along shore.

Cross-ex'd by Mr. Van Santvoord:

Q. What time did it run up along shore?
A. About 11 o'clock; it run along shore as much as an hour before it did in the middle of the river.
Q. Does the tide set up under the wharves before it begins to set up on the surface of the river?
A. As a general thing, it does set up underneath before it does on the top.
Q. (By Mr. Jackson.) What you testified to before has been as to the top?
A. As to the top, sir.

333 Samuel Lemon, called for the claimants of the Geo. Washington, sworn, testified as follows:

Direct exam'n by Mr. Beebe:

Q. What is your business?
A. Ferrying.
Q. What ferry are you connected with?
A. The Hoboken ferry.
Q. On what boat?
A. The James Rumsey.
Q. How long have you been attached to her?
A. Well, sir, I have been, off and on, in the neighborhood of 40 years ferrying; and I have been to sea part of the time.
Q. Were you on that boat on the 16th of September, 1866?
A. I was, sir.
Q. Do you remember this collision which took place between the Geo. Washington and the D. S. Gregory?
A. I didn't see the collision; I saw it directly afterwards, a short time afterwards.
Q. While the boats were still in contact?
A. No, sir; they were separated.
Q. But very soon?
A. Very soon; shortly afterwards.
Q. Whereabouts were you at the time you saw them?
A. I was up in the pilot-house.
Q. Where was the boat, the James Rumsey?
334 A. She was on her way from Barclay street to Hoboken; pretty much off Chambers street.
Q. What hours did you leave?
A. I don't remember the hours.
Q. How often; every 15 minutes?
A. Every ten minutes.
Q. You were bound from Barclay street over to Hoboken?

A. Yes, sir.
Q. How was the tide?
A. On the ebb; it was pretty near slack-water.
Q. But still ebb?
A. Yes, still ebb; slack-water along shore.
Q. This was after the collision took place, and the boats were separated?
A. Yes, sir; the boats were separated.
Q. Was there any wind that morning?
A. Very little; nothing material.
Q. Nothing to obstruct navigation in any way?
A. No, sir.
Q. Do you remember afterwards seeing the Washington pass down?
A. I did see her coming down.
Q. Did you see the Wyoming?
A. I don't remember noticing her.
Q. You know Captain Schultz's boat?
A. Yes, sir.
335 Q. Did you see her pass down?
A. I didn't notice.
Q. Do you remember the hour this was, about what time?
A. I think it was between 9 & 10 o'clock, or somewhere about that.

Cross-ex'd by Mr. Jackson:

Q. How long about after the collision was it you saw the Washington?
A. It could not have been but a very short time.
Q. How far down was she?
A. The Washington was about off what is known as the old Red Fort dock, now the coal dock.
Q. Was she near her lowest landing?
A. No, sir; she was above the Chambers street ferry.
Q. Was her engine moving?
A. Yes, sir; going down slowly.
Q. How near to the New York shore?
A. I suppose about 200 or 300 yards.
Q. What was the minute you left?
A. I could not tell exactly whether we were on quarter time or 10-minute time.
Q. If it were quarter time or 10-minute time, what would it have been?
A. If it was quarter time, it must have been probably 10 minutes to 9; but I cannot tell whether it was quarter time, or 10-minute time.
336 Q. A very few minutes after that you saw the Washington?
A. I noticed the boat coming down.
Q. Then what time did the tide begin to ebb?
A. The tide was very near low-water.
Q. How long after did it begin to go up?
A. It wouldn't begin to go up until high-water; probably about 3 or 4 o'clock.
Q. What time was high-water?
A. It should have been high-water about between 3 & 4 o'clock.
Q. Could it have been earlier?
A. No, sir; I don't think it would.
Q. You mean 3 or 4 o'clock in the afternoon?
A. Yes, sir.

Cross-ex'd by Mr. Adams:

Q. What was the position of the Washington when you saw her?
A. Heading up the stream.

Re-direct by Mr. Donohue:

Q. She was below pier 39?
A. No; I think she was pretty much off the old Red Fort dock.

Michael Sherman, called for the claimants of the Geo. Washington, sworn, testified as follows:

Direct exam'n by Mr. Beebe:

337 Q. What is your age?
A. About 62 years old.
Q. What has been your business since your arrived at manhood?
A. Most of the time steamboating.
Q. How many years of experience have you had upon the water?
A. Over 40 years.
Q. Do you know the steamboat George Washington?
A. Yes, sir?
Q. Were you attached to her in September, 1866?
A. I was.
Q. In what capacity?
A. Pilot & captain.
Q. On that day, was she chartered?
A. Yes, sir.
Q. And to whom?
A. To Mr. McDonald.
Q. Had he previously chartered her?
A. Yes, sir.
Q. How many times?
A. Seven or eight times previous to that.
Q. Where to run to?
A. To Keyport.
Q. Where had your boat laid up the night before?
A. We laid up at Robinson street, above the ferry.
338 Q. What time did you get under weigh that morning, and where did you go to?
A. I got under weigh that morning about half past 8, or in that neighborhood, and we went up to Christopher street first.
Q. About what time did you reach Christopher street?
A. It was before nine o'clock.
Q. Did you take any passengers on board at Christopher street, on your first landing, going up?
A. We did; yes, sir.
Q. Was Mr. McDonald on board?
A. He was.
Q. Where did you from there?
A. To 34th street.
Q. About what time did you reach 34th street, and what time were you due there?
A. We were to leave there at 9 o'clock, but it was after that.
Q. In landing at Christopher street, how did you land?
A. Head up.
Q. Is that the way you land with the ebb-tide?
A. Yes, sir.

Q. Who was at the wheel?

A. I was at the wheel myself.

339 Q. Did it require any more than yourself at the wheel to manage the boat?

A. No, sir.

Q. What was your time for leaving 34th street?

A. We were to leave at 9 o'clock, but we always wait for the charter-party to say when we shall go.

D. Did you leave promptly or not?

A. No; it was after the time.

Q. About how much?

A. Probably a quarter after.

Q. Then what did you do?

A. Went down to Christopher street.

Q. In passing 13th street, is that pier out longer than any other?

A. It is out longer than the piers below.

Q. In coming around 13th street, there is quite a bend in there?

A. Yes, sir; quite a bend.

Q. How near did you come to the end of that pier in running down?

A. Probably a hundred and fifty yards, or in that neighborhood.

Q. When you landed at Christopher street the second time, how did you land?

A. Head down.

Q. How was the tide at that time?

A. Ebb-tide.

Q. Running how?

A. Strong.

340 Q. What was your leaving time at Christopher street?

A. We left there at about 20 minutes past 10, I think.

Q. When you left how was the tide?

A. Ebb-tide.

Q. Is there any doubt about it?

A. No doubt about it, for we had to back so as to get her head canted off, so as to clear the dock below.

Q. When you got started, and work your course down the river, how far were you running from the end of the piers?

A. About 200 or 300 yards, I should judge.

Q. About what speed were you going down the river?

A. We were going, I should think, not far from 12 miles an hour; that is, with the land; we run with the tide; I don't think we were making that through the water.

Q. Do you remember seeing the ship Mariposa?

A. Yes, sir.

Q. How far outside of her did you pass?

A. Well, 100 yards or 150.

Q. When you first saw the Gregory, where was your boat?

341 A. About off betwixt 43 & 44.

Q. About what was the course of your steamer at that time, by the compass?

A. About south.

Q. About what is the course of the river at that point?

A. It is near north and south.

Q. Any westing?

A. No, sir; I don't think it is.

Q. About how far were you off the end of the pier at the time you first saw the Gregory?

A. About 200 yards off, I think.
Q. How did the Gregory bear from you at the time you first saw her?
A. She was off to the westward, well off.
Q. In reference to the width of the river, which shore was she the nearest?
A. The New York shore.
Q. Was she one-quarter, one-third, or one-half?
A. She was inside of one-half.
Q. Between that and one-third where you first saw her?
A. Yes, sir.
Q. According to your best judgment, how many yards was she off from the ends of the New York piers at the time you first saw her?
A. I should think 500 yards.
342 Q. All of that?
A. Yes, sir; I think so.
Q. How was she heading at that time?
A. She was heading up.
Q. About toward what point, if she had kept steadily on that course?
A. If she had kept steady, she would have brought up about pier 46.
Q. Along where the Mariposa was hauling in?
A. Yes, sir; if she had kept that course.
Q. As near as you could tell, if you formed any judgment at the time, about what pier was the Gregory off when you first saw her?
A. She was almost up, most opposite pier 39; I don't know but quite.
Q. Did you give her any signal?
A. Yes, sir; I did.
Q. How long was it after you first discovered her before you gave her a signal?
A. It would not be more than half a minute; that is, when I discovered her to take any notice.
Q. At that time, what signal did you make?
A. I gave her two blasts of the whistle.
Q. What was the character of those blasts, whether they were distinct, clear blasts?
A. They were.
343 Q. Did you get any reply from her to those blasts?
A. Not that I heard.
Q. Suppose both boats had kept their respective courses, as they were at the time you saw the ferry-boat, how, if at all, would they have passed?
A. They would have passed 100 yards or 150.
Q. On which side of you would she have passed?
A. To the westward.
Q. Did you make any change in your wheel before the collision?
A. No, sir; not to amount to anything.
Q. Did you attempt to make any change before you actually came together?
A. No, sir; not in the course of the boat.
Q. Did you at any time notice any change in her course?
A. Yes, sir.
Q. How near had the boats approached at the time you noticed any change in her course?
A. Probably within 150 or 200 yards.
Q. At the time she made that change, what was it?
A. She put her wheel aport, and that sheered her off to the New York docks.
Q. At right angles, or nearly so, to you?

344 A. Yes, sir.

Q. At the time you discovered that change was being made, how did she bear from you then?

A. She was off to the right of us.

Q. What was the effect of that porting upon her and your respective courses?

A. It brought her across our bow.

Q. When you observed that manouvre, of her attempting to cross your bow, what did you do, if anything?

A. Slowed, stopped, and backed.

Q. How near should you think your boats were together at the time you rang those bells to slow, stop, and back?

A. Probably they were 100 yards.

Q. How was the tide then?

A. Ebb-tide.

Q. Had your slowing, stopping, and backing any perceptible effect upon the headway of your boat, before they came together?

A. Yes, sir.

Q. Could you see that your boat's speed had been slackened?

A. It would take about seven turns to stop her dead in the water.

Q. How many turns could she have got on her if your signals had been obeyed promptly?

345 A. Three or four.

Q. After you saw that porting, and her standing across your bows, could you, by any change, or by porting your wheel, have cleared her?

A. No, sir.

Q. Was there any course left open to you except to slow, stop, and back?

A. No, sir.

Q. When you came together, about where did your stem strike the Gregory?

A. 10 or 15 feet forward of the door of her cabin.

Q. Was there any perceptible difference in her speed between the time you first saw her and the time of the collision?

A. Not that I could judge.

Q. Was there any diminution—did the Gregory run any less rapidly?

A. No, sir; not that I could see.

Q. About how many passengers did you have on her?

A. I should judge, from what I saw, about 150.

Q. Was there any time before the collision when that ferry-boat was above the mouth of her slip?

A. Yes, sir.

Q. She passed up above the mouth of her slip?

A. Yes, sir; and then headed down; and if she had not
346 touched the Washington, she could not have gone into her slip.

Q. He would have gone below?

A. He would have gone foul of the dock.

Q. What dock do you mean?

A. I mean pier 39, the Boston pier.

Q. About off what point did this collision take place?

A. About off abreast of pier 39.

Q. About how far off?

A. About 200 or 250 yards.

Q. Were you intending to land below?

A. I intended to land at Barclay street.

Q. About what was the distance between pier 39 & Barclay street?
A. In the neighborhood of half a mile.
Q. Did you proceed on your excursion?
A. No, sir; after the collision the ferry-boat kept going. We backed and it brought us stem to the westward just as we cleared. We was right out toward the dock, and the ferry-boat was parallel north & south.
Q. Carried you right around?
A. Yes, sir; then we backed off a little ways and went down to Chamber's street, and landed the passengers.
Q. Where did you go to then?
A. Went over to Jersey City.
Q. Before you landed at Jersey City, had you struck the flood-tide?
A. No, sir; we went in above the dock, and we had to wait
347 three or four hours for the tide to rise so we could get in there.
Q. At about what time of the tide can you get in there?
A. We want about one-half or a three quarter tide.
Q. Where did you go to—to Allison's dock?
A. Above there.
Q. That is between Jersey City and Hoboken?
A. Yes, sir; just above the docks there.

By Mr. Beebe:

Q. Had you any women in the pilot-house with you?
A. No, sir; not that I know of.
Q. You would have seen them if they had been there?
A. I might have seen them; our wheel-house is on the same deck, and I have no doubt but what gentlemen could come in there and go out, and I not see them. The doors were left open. They can stand up on the platform and come in, and there are seats behind which they could sit on, and we not notice them.
Q. Was there any one there to interfere with your steering?
A. No, sir; no one on the platform.
Q. At any time up to the time of the collision did you hear any signal from the Gregory?
348 A. No, sir; I didn't hear any.
Q. Were your windows open or shut?
A. All open.
Q. Did you see any other ferry-boats crossing as you came down, either one way or the other, or didn't you observe?
A. Christopher street boat went out.
Q. After you started?
A. We waited a minute for them to get out.

By Mr. Webster:

Q. Mark on this map the line of the course of the Gregory after you saw her.
(The witness marked on a copy of the city directory map the position of his boat at the time he first saw the Gregory, and the course of the Gregory after he made her, and the course of the Washington.)

By Mr. Jackson:

Q. What time did you get on your boat for the last time before sailing?
A. Before we left where?
Q. Before you started on the excursion that morning.

A. About two minutes before we left Christopher street.
Q. Did you start first of all from Christopher street?
A. No, sir; we started from Robinson street.
Q. You spoke of your going on the boat?
A. Yes, sir.
349 Q. What time did you go on the boat?
A. We went down the night previous.
Q. Yourself, personally?
A. I took the boat down myself.
Q. What hour was it?
A. About seven or half past seven, I think; somewhere along there. It might have been as late as eight. We went down with the boat.
Q. Did you spend Saturday night on your boat?
A. Yes, sir.
Q. You had been on shore during the afternoon?
A. Yes, sir; I think so.
Q. You had been on shore during the evening?
A. Yes, sir.
Q. And you had been on shore late that night?
A. I don't know but I had.
Q. Was it not after 12 o'clock before you went on your boat?
A. I don't know, sir.
Q. You are not positive?
A. No, sir.
Q. You cannot say whether it was after 12 o'clock that you went on or not?
A. No, sir.
Q. Did any one go on with you?
A. I don't recollect whether there did or not.
Q. Are you positive that you were off pier 46 when you first saw the Gregory?
350 A. We had just got past the slip, or going past the slip when I saw her.
Q. The slip was at pier 46?
A. Yes, sir.
Q. You are positive of that?
A. Yes, sir.
Q. How many yards had you run before you blew your whistle?
A. We ran down to about pier 43.
Q. How many yards apart are those piers there? How far from pier 43 to pier 46?
A. Probably 300 yards; in the neighborhood—may be 400.
Q. How far is it from pier 46 to Christopher street north, where you started from?
A. I don't know the distance exactly.
Q. What is the distance, as near as you can give it, from opposite pier 46 to Christopher street?
A. It is inside of a quarter of a mile; it may be considerably. I never mentioned it.
Q. How many piers are there between?
A. I don't how many piers.
Q. Some six or eight?
A. Yes, sir; I think so. Some piers are wider than others, and some slips are wider.
Q. On an average how far are those piers apart from pier 46 north, to Christopher street?

351 A. I don't know.

Q. Do you think it is much inside of a quarter of a mile from pier 46 to Christopher street?

A. I should think it was inside.

Q. How much inside?

A. I don't know.

Q. What was the exact course of the Gregory when you first saw her?

A. By compass?

Q. Well, her course by compass, or otherwise; give it by the compass if you can.

A. If she had kept on the course she was on, she would have been about 46, or above.

Q. At pier 46, you mean?

A. Yes, sir.

Q. Was there anything to prevent you passing to the right of the Gregory?

A. No more than it would not be customary for us to go away out in the middle of the river to go around a ferry-boat?

Q. Nothing else than that?

A. Nothing else but that.

Q. You were making for Barclay street?

A. Yes, sir.

Q. What is the distance between Christopher street and Barclay street?

A. I should think pretty near a mile; I don't know but more, and may be less.

Q. How happened it that you were sailing so close along the
352 river at an ebb-tide when you had such a long distance to go?

A. There was no very long distance to go; we don't consider it a very long distance to go. We steered the course we always go along there.

Q. When did the Gregory first change her course, to your knowledge?

A. While we were down about—almost shortly after I blew the whistle; I don't know but she was changing her course then.

Q. Did you see any steam from the Gregory's whistle?

A. I did.

Q. And you signed your testimony?

A. I believe I did.

Q. That was taken almost immediately after the accident, was it not?

A. It was taken a few days after.

Q. Your recollection was perfectly fresh and distinct then of the whole occurrences, was it not?

A. Yes, sir.

Q. What did you there testify about the time when you first saw the Gregory, how soon it was?

A. I don't recollect exactly what I did testify.

Q. Did you testify that you had just left Christopher street when you observed the Gregory coming from the Jersey shore?

353 A. I don't know but I did.

Q. Did you or did you not?

A. I don't recollect.

Q. Was it a fact that you first saw the Gregory after you started from Christopher street, from the Jersey shore?

A. Coming from the Jersey shore?

Q. When you first started from Christopher street, you observed the ferry-boat coming over from the Jersey side; was that a fact?

A. I might have done that.

Q. Is it a fact that after you had just left Christopher street, you saw the Gregory coming over from the Jersey side?

A. I might have seen her.

Q. As soon as you moved out from Christopher street you saw the ferry-boat?

A. I saw all the vessels that were from one shore to the other as soon as we were out, for there was nothing to prevent me from seeing what was before me as soon as we got out clear of the dock.

Q. How many yards from the Gregory were you when you blew your whistle?

A. I should think four to 500 yards.

Q. What was the direction of the Gregory from you when you blew your whistle?

A. She was to the windward of us, off in the middle of the river.

Q. West, you say?

354 A. Not due west; she was bearing, I should think, from W. to S.W., betwixt west and southwest, by the point of the compass.

Q. Did you know the rule of the ferry-boat, the regular course of the ferry-boat?

A. That they took to go across?

Q. Yes, sir; you knew the point of departure, did you not, at Jersey City?

A. Yes, sir.

Q. And you knew the point of approach?

A. Yes, sir.

Q. (By Mr. Beebe.) Did you go above your slip with the ebb-tide, and drift down?

A. Yes, sir.

Q. (By Mr. Jackson.) When you blew your whistle, was not the Gregory more south of you than west of you?

A. No, sir.

Q. How far south of you was she; how many yards? I mean, was she due south, or what was her direction?

A. No, sir; we were headed due south, as near as could be, as near as we could get at it by the point of the compass.

Q. As I understand you to testify, the Gregory was near, not

355 quite, but rather inside on the New York side of the middle of the river?

A. Yes, sir; to the westward of us.

Q. How far was she, as between the middle of the river and the New York side, south of you? She was not due south?

A. No, sir; she was west.

Q. (By Mr. Beebe.) I suppose this to be the question. A line drawn from the Gregory, at the time you blew your whistle, directly to the New York shore, how far would that line run south of the line to the point of the line you were on; supposing that line to run directly from the Gregory to the shore, how far would that line be south from you at the time you blew your whistle?

A. Probably 200 yards—300 yards south of us.

Q. (By Mr. Jackson.) Was there any person in the pilot-house?

A. I could not say.

Q. You could not say positively?

A. No, sir.

Q. What was the length of the stem of your boat?
A. I could not tell you, sir.
Q. That cut-water that you had?
A. I could not tell.
Q. How thick was it?
A. It was about—I should think the thickest part of it might
356 be probably 6 or 7 inches.
Q. Aside from the stem or cut-water that the Washington had, was not the boat what you would call a blunt prow, well rounded?
A. She had a rounding bow, not a straight bow.
Q. (By Mr. Beebe.) Not what you call a sharp bow?
A. Not what we call a sharp bow.
Q. (By Mr. Jackson.) Was there another line running opposition to you on that day with a Sunday excursion?
A. I guess there was; there was a boat going out.
Q. Had you lowered your fare to get passengers?
A. I don't know that; we had nothing to do with that.
Q. You are aware of the rivalry existing between the two lines?
A. Yes, sir; I heard of it.
Q. And you were informed that efforts were made to solicit passengers by both lines?
A. Yes, sir.
Q. Your boat, and the charterers, and parties connected therein,
357 had been soliciting passengers for that trip, had they not?
A. Yes, sir; at Robinson street they had.
Q. What did you expect the Gregory would do when you saw her opposite Desbrosses, after you blew your whistle?
A. I supposed she would go in the slip under our stern, or astern of us, go in the slip; which she could have done without slowing or stopping.
Q. (By Mr. Van Santvoord.) When you speak of due south or S. W., or any other point of the compass, in describing the bearings, do you so speak from the assumption that the course of the river is about N. & S.?
A. Yes, sir.
Q. As boatmen do, naturally?
A. Yes, sir.

Rudolph Rosa, sworn on behalf of libellant:

Examined by Mr. Van Santvoord:

Q. You are a civil engineer?
A. Yes, sir.
Q. You assist in making surveys of the harbor for the government under the coast commission?
A. Yes, sir.
Q. And also surveys for the harbor commissioners?
A. Yes, sir.
358 Q. Will you state from those surveys the width of the river at Courtlandt street—between Courtlandt pier at the foot of Montgomery street?
A. Yes, sir.
Q. You will state what it is in yards. Have you got a statement with you?
A. Yes, sir; 4,133 yards from the foot of Courtlandt street to the foot of Montgomery street, between the end of the piers.
Q. What is the distance from the extension of Courtlandt street into

the river, to the extension of Desbrosses street, into the river, on the New York side, along the pier line?

A. The distance from the centre line of Courtlandt street protracted, to the centre line of Desbrosses street protracted, is 1,410 yards, measured on the pier-head line.

Q. Now the distance from the extension of Montgomery street, Jersey City, to the extension of Desbrosses street on the west side of the river?

A. The distance between the foot of Montgomery street, Jersey City, to the foot of Desbrosses street, New York, is——

Q. That is not what I asked. I want to know the distance from
359 the extension of Montgomery street, Jersey City, to the extension of Desbrosses street across the river on the west side, to a point opposite Desbrosses street on the Jersey shore.

A. The distance from the centre line of Montgomery street, Jersey City, to the centre line of Desbrosses street protracted, is 1,200 yards, if measured upon the Jersey shore, on a parallel line to the Jersey shore, on a parallel line to the New York pier line and the piers existing on the Jersey side, up the Jersey shore.

Q. The distance from the slip at the foot of Montgomery street to the slip at the foot of Desbrosses street, diagonally across the river, is what?

A. The distance between the foot of Montgomery street, Jersey City, to the foot of Desbrosses street, New York, is 1,907 yards, if measured between the ends of the piers existing on both sides.

Q. Now the distance from Christopher street to a point off pier 39, the foot of Vestry street?

A. The distance from pier-head 39 to a point in the pier-head line opposite the foot of Christopher street is 1,133 yards.

Q. From Canal street down to pier 39?

A. From pier-head 39 to a point in the pier-head line, being op-
360 posite the foot of Canal street, is 340 yards.

Q. The distance from pier 46 to 39, on the New York side?

A. 666 yards.

Q. Can you give us the distance from the foot of pier 42 to pier 39?

A. 360 yards. The distance from Christopher street to Barclay street, in the neighborhood of the pier line, is 2,183 yards.

Q. (By Mr. Van Santvoord.) Now the distance between pier 37 and 39.

A. The distance between the centre of piers 37 and 39 is 247 yards.

Q. How far is it from the foot of 13th street to the foot of Barclay street.

A. 3,400 yards.

Q. What is the direction of the river by the magnetic bearings—the course of the river between Courtlandt street and Desbrosses, coming along with the line of the docks?

A. The bearings on the Hudson River is north 17° east, about half a point from E. to N. N. E. That is the magnetic bearing.

Q. That is half a point to the east from E. N. E.?

A. Yes, sir; about half a point to the east from N. N. E. was 17° E.

361 Q. What is the magnetic bearing of the Desbrosses street slip at the foot of Desbrosses street, from the slip at the foot of Montgomery street, Jersey City?

A. The line from Montgomery street to Desbrosses street has a magnetic bearing of north 56° east, or about E. N. E.

William C. A. Ferichs, recalled on behalf of libellant:

Examined by Mr. Van Santvoord:

Q. You have been called before?
A. Yes, sir.
Q. You were in the ladies' cabin, near where Miss Cavan was?
A. Yes, sir.
Q. Did you hear any notice or warning given in that cabin?
A. No, sir.
Q. Was any such given?
A. No, sir.
Q. What were the passengers doing there at the time of the collision?
A. They were reading tracts. A gentleman came around and distributed tracts, and everybody, mostly, was reading, with the exception of myself.
Q. Was there any excitement in the cabin?
A. No; not at all.
Q. Before the boat was in contact?
362 A. I think not; I don't know their proceedings, because I was looking out intently on the Washington.
Q. How many seats were you from the door?
A. I think it was some eight or ten.

Cross-examined by Mr. Jackson:

Q. Did you have a tract in your hand?
A. Yes, sir.
Q. What were you doing with it?
A. Just looking at it listlessly.
Q. Holding it?
A. Yes, sir.
Q. Did you see the Hanshe family there? Did you see Mr. Hanshe and his wife and family on the boat—the gentleman that testified the other day?
A. I was not here.
Q. Did you see him on the boat?
A. I believe I did.
Q. A man and his wife and daughter?
A. Yes, sir; I was very near them.
Q. What were they doing when you saw them?
A. I believe they were reading; I am not certain.
Q. You believe they were reading all the time?
A. I believe most of the passengers were reading all the time.
363 Q. Were they reading when the Washington was approaching?
A. I could not tell.
Q. Did you see Captain Schoonmaker, of Jersey City?
A. I don't know him.
Q. Did you see a person coming in and pulling persons out of the boat?
A. No, sir.
Q. What did you do after you saw the collision, saw the boat was coming against you?
A. I thought the collision would have occurred on the forward part of the boat, by the velocity of the boat from where I stood, and when I saw it was inevitable, I made a leap to the door, and I made an exclamation; but what it was, I cannot tell.
Q. Were you excited?
A. Then I was excited, at the very time the collision occurred.

Q. You were looking entirely on the Washington from the first time you saw her until you jumped?

A. I had been looking for sometime at the Washington.

Q. And you kept looking at her till you made for the door yourself?

A. Yes, sir.

Q. How far off was she when you first saw her?

364 A. She was a good way off?

Q. (By Mr. Beebe.) Coming right toward you?

A. Coming parallel with the piers on the New York side—this way (east.) I was looking at an angle.

Q. (By Mr. Van Santvoord.) Were there any people standing together at the door of the cabin?

A. Not that I am aware of; I think not.

Carl Dubuque, sworn on behalf of the claimants of the George Washington:

Examined by Mr. Beebe:

Q. What is your business?

A. Pilot.

Q. How long have you been a pilot?

A. About 15 or 16 years, steamboating.

Q. Where were you on Sunday, the 16th of September, 1866, at the time of this collision?

A. I was coming up West street, going up towards Spring.

Q. You didn't see the collision?

A. I didn't see them run together; I saw them together in the river.

Q. About how far off should you think they were out from pier 39?

A. I should think they were about 200 yards; may be a little more; I won't say.

365 Q. How was the tide?

A. It was ebb-tide.

Q. Will you state any circumstance that you saw, that confirms you in your recollection?

A. Yes, sir; I seen a crowd of people down to the ferry way there, and after they got clear, I ran down there, and I could not get inside; they shut the gates on me, and I seen the boat try to get in the slip, and she fetched on the lower side of the wreck, and she tailed down the river, south.

Q. Did the tide carry her tail down?

A. Yes, sir; she laid head up; when she struck the dock the ebb-tide swung her stern down, and she was sometime before she got in her slip; the tide was running so strong down, she could not work in her slip very handy.

Q. Did you see any of the wreck?

A. I seen a lot of timber floating down the river, and the Washington was floating down the river after I saw her.

Q. Before she got steam on?

A. Yes, sir; after I got from the dock, I seen her make away towards Jersey City; she was somewhere down below Barclay street by that time.

366 John S. Simmons, sworn on behalf of the claimants of the George Washington:

Examined by Mr. Beebe:

Q. What is your business?

A. Coast pilot, master mariner, &c.

Q. Where were you on the 16th of September, 1866, Sunday?
A. I was at Desbrosses street.
Q. What was your business at that time?
A. I was waiting for the ferry-boat; I had a steamer over to Allison's wharf.
Q. Were you in government employ at that time?
A. No, sir.
Q. What steamer was you attached to?
A. The steamer Hope; I was to take her out to Florida.
Q. Where was she lying?
A. Lying at the south side of Allison's wharf, Jersey City, repairing.
Q. You were waiting at the ferry?
A. I was taking a mate over with me that I had hired at the time, to show him the vessel.
Q. You were waiting to get across?
A. Yes, sir.
Q. Did you see the Washington before the collision?
A. Yes, sir; a short distance off; I was looking at the boat and
367 hearing a [a] whistle blown, I looked up and saw the Washington and the ferry-boat.
Q. Where did that whistle come from?
A. The whistle I saw was blown on board the Washington. I saw the steam from it, and heard the report before.
Q. How far out in the river was it that the collision took place—how far out from the end of pier 39?
A. Well, from where I stood—I stood on a pile of lumber—I should suppose in the neighborhood of 2 or 300 yards outside of pier 39.
Q. How did you get across?
A. There was a big jam at the head of the pier, and I rode down in the cars to Courtlandt street and took the other ferry.
Q. When you crossed how was the tide?
A. I didn't pay much attention to the tide. It was ebb-tide. I was there when the steamer Washington came in.
Q. Did she come right there by you?
A. She came in between 12 & 1 o'clock, if I remember right.
Q. The water was still low?
A. The water was low. She was waiting to come in. I think she grounded before she came in.
368 Q. Had you any notice at the time you crossed that the tide was ebb?
A. I think it was. We ran her pretty well above her slip when we ran in.

Cross-examined by Mr. Jackson:

Q. Where was the Washington when you [you] saw the steam?
A. When I first saw the Washington she was off about ——
Q. When did you first see the steam of the whistle of the Washington?
A. When I heard the report of the whistle and looked up.
Q. You looked up and saw the steam?
A. I saw the steam escape. I heard the whistle blown from the Washington, for I was looking right at her at the time.
Q. When did you see the steam of the Washington? What called your attention to the steam of the Washington?
A. I was looking that way.
Q. Are you positive of it?
A. I am positive of it; quite sure of it.

Q. Didn't the whistle of the Washington arrest your attention?
A. Nothing more than any other whistle would.
369 Q. Was it not the whistle of the Washington that arrested your attention to the Washington.
A. I was certainly by the sound of it, because I saw it.
Q. Have you been spoken to about the state of the tide?
A. Nothing about it until an hour ago.
Q. (By Mr. Beebe.) As the Washington came down, what part of her was presented to your view? Was it a broadside view?
A. Her port side was towards me, she heading in along down the wharf.
Q. I want to know whether you observed her wheels before she and the D. S. Gregory came together?
A. I got up there where I could look, and I saw her backing, and she was then about half a length from the Gregory.
Q. Then her wheels were backing?
A. Then she was backing at the time.

Michael Sherman recalled:

Examined by Mr. Beebe:

Q. Did you have a man stationed forward on the look-out?
A. Yes, sir.
Q. Who was he?
370 A. Henry Larriman.
Q. Where is he?
A. In the navy.
Q. Away from here?
A. Yes, sir; so that we cannot get him.

Cross-examined by Mr. Jackson:

Q. Where was he stationed?
A. Forward deck.
Q. How long has he been in your employ?
A. He has been in my employ all the summer.
Q. How long has he been in your employ?
A. He had been in our employ at that time all that season.
Q. What capacity?
A. As a look-out, and took charge of the deck for the men while they cleared up.
Q. Did he have anything to do with fastening the vessel when you made a port?
A. He did once in a while; but he was hired for there, and there lay his orders, and he paid particular attention to it.
Q. Did he have anything to do with detaching the vessel and letting her off?
A. Sometimes he did.
Q. Did he that morning?
A. Not that I know of.
Q. On what position on the forward deck was he when you first saw the Gregory?
371 A. He was pretty well up to the bitts.
Q. Where was he at the time of the collision?
A. He had walked aft.
Q. What did he go aft for?
A. He didn't care about standing there, I guess. I shouldn't think he did.

Q. He didn't stay to warn off the passengers, or anything of that kind?

A. There were but very few on it. There were some others ordered off the forward deck.

Q. How long did you employ him altogether?

A. About four months, I guess, or five months. We had him longer than that. We had him eight months.

Q. When did he leave these parts? When did he leave New York?

A. I think it was in the winter of 1867—in the spring or the winter.

Q. Did he follow the water before that?

A. Yes, sir.

Q. How old was he?

A. About 40 years old, I should judge—40 or 50.

Q. Did he run aft immediately after you blew the whistle?

A. No, sir; not till after I seen the boats coming together.

Q. How soon was that?

A. A short time.

Q. How many yars was the Gregory off, do you suppose?

372 A. Not more than 15 or 20 or 30 yards off.

Q. Had he said anything to you about the boat before?

A. No, sir.

Q. He had not notified any one?

A. He looked at me when he seen the boat; and if he sees me looking at the boat he don't say anything about it.

(Testimony closed with the exception of one witness.)

Adjourned to Thursday, Jan'y 23d, 1868, at 11 o'clock.

373 U. S. district court.—4th day.

ANN CAVAN
vs.
THE ST. FERRY-BOAT D. S. GREGORY & the st'boat Geo. Washington. } Jan'y 23, 1868.

Testimony of John M. Weekes.

374

375 U. S. district court.

ANN CAVAN
vs.
THE ST. FERRY-BOAT D. S. GREGORY, and the st'b. Geo. Washington. } 4th day, Thursday, Jan'y 23d, 1868.

John M. Weekes, called for the claimants of the D. S. Gregory, sworn, testified as follows:

Direct exam'n by Mr. Jackson:

Q. What is your occupation?

A. United States local inspector of steamers.

Q. How long have you been such?

A. Since the first day of January, 1853.

Q. Do you in your office license pilots on the North River?

A. We do.

Q. Do you recollect one John Smack applying for a license as a pilot on the North River?

A. I do.
Q. Did he bring any testimonials with him?
(Objected to.)
Q. What did he do when he came to apply for a license?
A. He made application.
Q. When was it he made application?
A. I thing the first application was in 1865.
Q. What was the form of his application?
A. It is a written form, with a statement of his experience, also
376 testimonials from other persons as to his general character & habits.
Q. Who is the proper officer to determine whether he is qualified to act as pilot?
A. The inspectors.
Q. You were an inspector at the time?
A. I was.
Q. Do you know whether he had a license from September first, 1865, to September first, 1866?
A. I have the record here of our office, if you will allow me to look at it. (Witness produces book.)
Q. Is that the record of licenses?
A. It is the true record, and the one, or one of the principal records we have.
Q. When did he receive his license as a pilot?
A. His first license was granted the 3d of May, 1865.
Q. For how long did it run?
A. For one year. It ran from the 3d of May, 1865, to the 3d of May, 1866, when actually serving as pilot.
Q. (By the court.) What do you mean by that?
A. When a person is not acting, not serving as a pilot, we grant them a new license, and date it at the time he makes the application, provided he has not been serving in the interim.
Q. (By the court.) I don't understand it yet.
377 A. I mean when a license expires, if a person has not served as pilot, or has not served in the capacity of pilot from the time it expired until he makes his next application, we grant his license from the time of his next application.
Q. Do you mean that in case a pilot does not serve out a part of the time for which his license has to run; that is to say, if he is absent from sickness or any other cause, and does not serve out the whole of his term, and then applies for a license or a renewal, you give him that renewal from the date of the application? Is that it?
A. Not exactly so. His license is for one year from the time he receives it. If he is not acting as pilot up until the time of his second application, we then grant him a renewal of his license, dating it the time of his second application, not dating it back.
Q. (By Mr. Donohue.) In other words, if a man wants to leave, and not to serve a part of his time, you don't compel him to use his license for that time?
A. Yes, sir; that is it.
Q. (By Mr. Donohue.) You don't compel him to get a license for the time he is not acting?
A. That is it, sir; that is the case.
Q When was the renewal made?
A. The second renewal was made on the 17th of September, 1866.
Q. Was that the date of the renewal?

378 A. It was dated back to the first of September, because he had actually been at work as pilot from the first day of September; consequently his was dated back to the time he went to work as pilot.

Q. Have you, as inspector, received any instructions with regard to the temporary absence of pilots, or their not acting as pilots?

(Objected to. Waived.)

Q. Does your record show that the license was dated back to September first, 1866?

A. It does.

Cross-exam'n by Mr. Donohue:

Q. Were you personally there when that license was granted?

A. I grant all original licenses.

Q. Were you present when this license was granted?

A. I was when the original license was granted.

Q. I mean the one of September, 1866; this renewal?

A. No, sir; the clerk renewed the license at that time.

Q. (By the court.) How do you mean the clerk renewed it; didn't you sign it?

A. Yes, sir; but the clerk drew it out?

Q. Did he fill up a blank signed by you?

379 A. Filled a blank signed by me.

Q. Your clerk has those blanks, and when parties come there he fills them and delivers them?

A. Simply for renewal.

Q. What occurred when Mr. Smack came there at that time, of course you know nothing about it?

A. I was not there at the time. I was absent outside.

Evidence closed.

380

381 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms in the city of New York, on Wednesday, the eighteenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight:

Present, the Honorable Samuel Blatchford, district judge.

ANN CAVAN
vs.
THE STEAM FERRY-BOAT D. S. GREGORY, her tackle, &c., and the steamboat George Washington, her tackle, &c.

This case having been heard on the pleadings and process, and argued and submitted, on briefs and points, by the advocates for the respective parties, and due deliberation being had in the premises, it is now ordered, adjudged, and decreed by the court, that the libellant recover in this action against the steam ferry-boat D. S. Gregory and the steamboat George Washington, their tackle, &c., the sum of ten thousand dollars, as damages for————injuries by her sustained by reason of the collision in the pleadings mentioned, together with her costs to be taxed.

$10,000 00

And it is further ordered, that unless an appeal be taken to this decree within the time limited and prescribed by the rules and practice of this

court, the stipulators for costs and value pay into the court the amount of their respective stipulations; and that the clerk distribute the proceeds in satisfaction of this decree.

SAM'L BLATCHFORD.

382 (Indorsed:) Vol. 20. No. 274. United States district court for the southern district of New York. Ann Cavan vs. the st. ferry-boat D. S. Gregory & the st'boat George Washington, their tackle, &c. T. M. Adams, for lib'l't; Jos. C. Jackson, proctor for cl't D. S. Gregory; Beebe, Dean & Donohue, for cl'm't Geo. Washington. Final decree for lib'l't. $10,000 and costs.

Filed the eighteenth day of March, 1868.

383 U. S. district court.

ANN CAVAN
vs.
THE STEAMBOAT GEORGE WASHINGTON & the ferry-boat D. S. Gregory.

Please to take notice that the claimants of the steamboat George Washington, her tackle, apparel, &c., appeal from the decree herein.

Dated March 24, 1868.

Yours, &c.

BEEBE, DEAN & DONOHUE.

GEO. F. BETTS, Esq.,
J. C. JACKSON, Esq. &,
T. ADAMS, Esq.

(Endorsed:) SOUTHERN DISTRICT OF NEW YORK:

Henry S. Raymond, of said district, being duly sworn, says that on the 25th day of March, 1868, the deponent served a notice of appeal, of which the within is a copy, on T. Adams, esq., proctor for libellant, by giving the same to a clerk in his office.

H. S. RAYMOND.

Sworn to before me this 26 day of March, 1868.
[SEAL.] O. R. STEELE, *Notary Public.*

(Endorsed:) U. S. district court, southern dist. of New York. 20—274. Cavan vs. Geo. Washington. No. of appeal.

We admit due serv. of a copy of the within notice.
Dated March 24th, 1868.

JOSEPH C. JACKSON,
Proctor for Claimants Steam Ferry-boat D. S. Gregory.

Filed March 26th, 1869.

Serv'd 25,'68, on clerk.

H. RAYMOND.

384

385 U. S. district court, southern district of New York.

ANN CAVAN
vs.
THE STEAM FERRY-BOAT D. S. GREGORY, her tackle, &c., and the steamboat George Washington, her tackle, &c.

Please to take notice that the claimants of the steam ferry-boat D. S. Gregory, her tackle, &c., appeal to the circuit court from the decree entered herein on March 18th, 1868.

Dated New York, March 28th, 1868.

Yours, &c.

JOSEPH C. JACKSON,
Proctor of Cl'm'ts of D. S. Gregory.

To GEO. F. BETTS, Esq., *Clerk, &c.*
THATCHER ADAMS, Esq.
Messrs. BEEBE, DEAN & DONOHUE.

(Endorsed:) 20—274. United States district court, southern district of New York. Ann Cavan vs. the ferry-boat D. S. Gregory, her tackle, &c., & steamboat Geo. Washington. Notice of appeal of cl'm't of D. S. Gregory. Joseph C. Jackson, proctor for cl'm'ts of D. S. Gregory.
Filed March 28th, 1868.

386

387 To the honorable the circuit court of the United States for the southern district of New York, in the second circuit:

The petition of appeal of Williams Myers, M. Sherman, Egbert Myers, & Jacob, adm'r, owners and claimants of the steamboat or vessel called the George Washington, respectfully shows:

That on the 7th day of November, 1866, one Ann Cavan filed her libel in the district court of the United States for the southern district of New York, against the steam ferry-boat D. S. Gregory, her engine, tackle, &c., and also against the steamboat George Washington, her engine, tackle, &c., claiming damages in consequence of a collision between said steamboats, and praying that both said boats might be arrested and sold therefor; that both said vessels were attached; and your claimants duly intervened and claimed said steamboat George Washington; and thereafter, on the 29th day of Jan'y, 1867, filed their answer, denying all the allegations of the said libel of complaint.

That such proceedings were thereupon had that the cause was duly tried in the said district court; and the said court did, on the 18th day of March, 1868, order and decree that both steamboats were in fault in said collision, and assessed the libellant's damages at ten thousand dollars, besides costs against both vessels, and decreed that said libellant
388 recover said amount from the two vessels.

That the claimants and appellants are advised and insist that said decree is erroneous insomuch and holds the steamboat George Washington blameable and in fault, and insomuch as it charges damages, or any part of damages against her, and insomuch as it in any way decrees damages against her, and that said damages is excessive.

That your claimants and appellants appeal from the whole of said

decree, so far as the same effects the George Washington or these claimants.

And they pray that the said circuit court proceed to hear anew the said cause, on the pleadings & proofs already in, & such as the appellants herein may adduce in the premises.

And that the said circuit court may reverse and annul said decree of the district in all things, so far as the same effects the claimants & appellants, said steamboat George Washington, & to restore the appellants to all they have lost in the premises.

BEEBE, DEAN & DONOHUE,
Proctor for Appellants, Claimants of George Washington.

(Endorsed:) 20—274. U. S. circuit court. Ann Cavan vs. the st'b't Geo. Washington, &c. Impleaded, &c. Petition of appeal.

We admit due service of a copy of the within.
Dated March 31, '68.

JOSEPH C. JACKSON,
Proctor for Cl'm'ts of D. S. Greyory, &c.
THATCHER M. ADAMS,
Proctor for Lib'l't.

Filed April 1st, 1868.

389 Circuit court of the United States of America for the southern district of New York, in the second circuit.

THE ST'B'T GEORGE WASHINGTON, &c., impl'd, &c.; William Myers & others, claimants, appellants,
vs. [*advs.*]
ANN CAVAN, lib'l't, appellee.

} Bond for costs, and damages on appeal.

Know all men by these presents, that we, Jacob Meyers, M. Sherman, & Egbert Myers, & Jacob Myers, adm'r, &c., are held and firmly bound unto the above-named libellant and appellee in the sum of twenty thousand dollars, to be paid to the said libellant; for the payment of which, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the second day of April, in the year of our Lord one thousand eight hundred and sixty-eight.

Whereas the above-named claimants have prosecuted an appeal to the circuit court of the United States for the southern district of New York, in the second circuit, to reverse the decree rendered in the above-entitled suit by the judge of the district court of the United States for the southern district of New York:

Now, therefore, the condition of this obligation is such, that if the above-named claimants shall prosecute their appeal to effect, and answer all damages and costs if they fail to make their appeal good, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

JACOB MEYERS. [L. S.]
M. SHERMAN. [L. S.]
EGBERT MYERS. [L. S.]
JACOB MYERS, *Adm'r, &c.* [L. S.]

Sealed and delivered, and taken and acknowledged, this 2d day of April, 1868, before me.

JOHN A. OSBORN, *U. S. Com'r.*

390 UNITED STATES OF AMERICA,
Southern District of New York, ss:

Jacob Myers, M. Sherman, and Egbert Myers, being duly sworn, each deposes and says, that he resides in the southern district of New York & that he is worth the sum of twenty thousand dollars over and above all his just debts and liabilities.

JACOB MYERS.
M. SHERMAN.
EGBERT MYERS.

Sworn to this second day of April, A. D. 1868, before me.
JOHN A. OSBORN, *U. S. Com'r.*

(Indorsed:) Vol. 20. Page 274. U. S. circuit court. Ann Cavan vs the st'boat George Washington, &c., impl'd, &c. Bond for costs and damages on appeal. Beebe, Dean & Donohue, proctors cl'm'ts & appellants.
Filed this 2d day of April, 1868.

391 To the honorable the circuit court of the United States for the southern district of New York, in the second circuit:

The petition of appeal of the New Jersey Railroad and Transportation Company, owners and claimants of the steam ferry-boat or vessel, called the "D. S. Gregory," her engines, tackle, &c., respectfully shows:

That on the seventh day of November, one thousand eight hundred and sixty-six, one Ann Cavan filed her libel in the district court of the United States for the southern district of New York, against the steam ferry-boat "D. S. Gregory," her engines, tackle, &c.; and also against the steamboat George Washington, her engines, tackle, &c., claiming damages in consequence of a collision between said steamboats, and praying that both said might be arrested and sold therefor; that both said vessels were attached; and your claimants duly intervened and claimed said steam ferry-boat "D. S. Gregory," her engines, tackle, &c.; and thereafter, on the 2d day of January, 1867, filed their answer, denying all the allegations of the said libel of complaint, and alleging that the damage and injury, if any there were, were caused by the steamboat
392 George Washington, and the negligence and carelessness of those in charge of said boat.

That such proceedings were thereupon had that the cause was duly tried in the said district court; and the said court did, on the eighteenth day of March, 1868, order and decree that both steamboats were in fault in said collision, and assessed the libellant's damages at ten thousand dollars, besides costs, against both vessels, & decreed that said libellant recover said amount from the two vessels.

That these claimants and appellants are advised and insist that said decree is erroneous insomuch as it holds the steam ferry-boat "D. S. Gregory" blameable or in fault, and insomuch as it charges the damages, or any part of damages, against her, and insomuch as it in any way decrees damage against her, and that said damages are excessive.

That your claimants and appellants appeal from the whole of said decree so far as the same affects the "D. S. Gregory" or these claimants.

And they pray that the said circuit court proceed to hear and determine anew the said cause on the pleadings & proofs already in, and such proofs as these appellants herein may adduce in the premises,
393 and that the said circuit court may reverse and annul the said

decree of the district court in all things, so far as the same affects these claimants & appellants, and said steam ferry-boat "D. S. Gregory," and restore these appellants to all they have lost in the premises.

JOSEPH C. JACKSON,
Proctor for Claimants & Appellants of "D. S. Gregory."

Dated New York, April 2d, 1868.

(Endorsed:) U. S. circuit court. 20—274. Second circuit. Ann Cavan vs. steamboat D. S. Gregory, &c. Petition of appeal. Filed April 3d, 1868. Joseph C. Jackson, proctor for app'l'ts & cl'm'ts of D. S.

Due and timely service of a copy of the within petition of appeal is hereby admitted.

New York. April 3d, 1868.

BEEBE, DEAN & DONOHUE,
Proctors for Geo. Washington.
THATCHER M. ADAMS,
Proctor for Libellant.

394

395 Circuit court of the United States of America for the southern district of New York, in the second circuit.

ANN CAVAN, libellant, appellee,
vs.
THE STEAM FERRY-BOAT "D. S. GREGORY," &c., impleaded, &c.; the New Jersey Railroad & Transportation Company, claimants, appellants.

Bond for costs and damages on appeal.

Know all men by these presents, that we, the New Jersey Railroad and Transportation Company, and Henry R. Remson, are held and firmly bound unto the above-named libellant & appellee in the sum of twenty thousand dollars, to be paid to the said libellant; for the payment of which, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the sixth day of April, in the year of our Lord one thousand eight hundred and sixty-eight.

Whereas the above-named claimants have prosecuted an appeal to the circuit court of the United States for the southern district of New York, in the second circuit, to reverse the decree rendered in the above-entitled suit by the judge of the district court of the United States for the southern district of New York:

Now, therefore, the condition of this obligation is such, that if the above-named claimants shall prosecute their appeal to effect, and answer all damages and costs if they fail to make their appeal good, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

The New Jersey Railroad & Transportation Co.,
By JOSEPH C. JACKSON, *Att'y.* [L. S.]
HENRY R. REMSEN. [L. S.]

Sealed and delivered, and taken and acknowledged, this 6th day of April, 1868, before me.

GEO. F. BETTS, *U. S. Com'r.*

396 UNITED STATES OF AMERICA,
Southern District of New York, ss:

Henry R. Remsen being duly sworn, deposes and says that he is worth the sum of twenty thousand dollars over and above all his just debts and liabilities.

HENRY R. REMSEN.

Sworn to this 6th day of April, A. D. 1868, before me.
GEO. F. BETTS, *U. S. Com'r.*

(Indorsed:) Vol. 20, page 274. U. S. circuit court. Ann Cavan, lib'l't appellee, *v.* the st. ferry-boat D. S. Gregory, &c., impl'd, &c., the New Jersey Railroad & Transportation Comp'y, cl'm'ts, appellants. Bond for costs and damages on appeal. Joseph C. Jackson, proctor for cl'm'ts of D. S. Gregory, impl'd, &c., appellants.
Filed this 6th day of April, 1868.

397 At a stated term of the circuit court of the United States of America for the southern district of New York, in the second circuit, held at the city hall, in the city of New York, on Saturday, the 20th day of June, in the year of our Lord one thousand eight hundred and sixty eight:

Present, the Honorable Samuel Nelson, an assistant justice of the Supreme Court of the U. S.

ANN CAVAN, lib'l't & appellee,
v.
THE S'TB'T D. S. GREGORY &c.; THE N. J. R. R. & T. Co., &c., &c., & the s'tb't Geo. Washington, cl'm'ts & appellants.

The appeal in this cause coming on to be heard, Mr. T. Adams reads from the apostles, and is heard on part of libellant; Mr. C. Donohue reads from the apostles, and is heard on the part of cl'm'ts of the s'tb't George Washington.

398

399 At a stated term of the circuit court of the United States of America, for the southern district of New York, in the second circuit, held at the city hall, in the city of New York, on Monday, the 22d day of June, in the year of our Lord one thousand eight hundred and sixty-eight.

Present, the Honorable Samuel Nelson, an assistant justice of the Supreme Court of the United States.

ANN CAVAN
vs.
THE ST. FERRY-BOAT D. S. GREGORY, ST'BOAT Geo. Washington, &c., &c.

The appeal in this cause being still on hearing, Mr. Stoughton reads testim'y from the apostles, and is heard on the part of claimants of the D. S. Gregory.

400

401 At a stated term of the circuit court of the United States of America for the southern district of New York, in the second circuit, held at the city hall, in the city of New York, on Tuesday, the 23d day of June, in the year of our Lord one thousand eight hundred and sixty-eight:

Present, the Honorable Samuel Nelson, an associate justice of the Supreme Court of the United States.

ANN CAVAN, lib'l't & appellee,
v.
THE ST. FERRY-BOAT D. S. GREGORY, HER ENGINE, &c., and the st'boat George Washington, her engine, &c., cl'm'ts & appellants.

The appeal in this cause being still on hearing, Mr. C. Donohue is heard in reply to Mr. Stoughton; Mr. Van Santvoord is heard in reply.

Cur. ado. vult.

402

403 At a stated term of the circuit court of the United States of America for the southern district of New York, in the second circuit, held at the city hall, in the city of New York, on , the day of , in the year of our Lord one thousand eight hundred and sixty- :

Present, the Honorable Samuel Nelson, associate justice of the Supreme Court of the United States.

ANN CAVAN
v.
THE STEAM FERRY-BOAT D. S. GREGORY, her engine, tackle, &c., & the steamboat George Washington, her engine, tackle, &c.

This cause having been heard on the pleadings and proofs on the appeals of the New Jersey Railroad and Transportation Company, the claimants and owners of the steam ferry-boat D. S. Gregory, and of William Meyers, Egbert Meyers, Jacob Meyers, and Michael Sherman, claimants and owners of the steamboat George Washington, from the decree of the district court of the United States for the southern dist. of New York, made on the 18th day of March, 1868, and having been argued by the advocates for the respective parties, and due deliberation having been had thereon:

It is now ordered, adjudged, and decreed that the said decree of
404 the said district court be, and the same is hereby, affirmed.

And it is further ordered, adjudged, and decreed that the libellant, Ann Cavan, recover from the steam ferry-boat D. S. Gregory, her engines, tackle, &c., or her said claimants, and the steamboat George Washington, her engines, tackle, &c., or her said claimants, the sum of ten thousand dollars, the amount of the damages decreed to her by the decree of the said district court, together with three hundred and ninety-eight dollars and six cents, the costs as taxed in said district court; in all amounting to the sum of ten thousand three hundred and ninety-eight dollars and six cents, adjudged to the said libellant by said decree of said district court.

And it is further ordered, adjudged, and decreed that the said libel-

lant recover from said steam ferry-boat D. S. Gregory, her engines, tackle, &c., or of her said claimants, and of the steamboat George Washington, her engines, tackle, &c., or her said claimants, interest on [on] the amount of said damages and costs so adjudged by said decree of said district court, from March 18, 1868, the date of said decree in the said district court, to the date of the entry of this decree, amounting to the sum of three hundred and ninety-eight dollars and sixty cents, together with the costs on the appeal to this court, taxed at two hundred and forty-one dollars and thirty cents; for all of which said
405 damages, costs, and interest adjudged to said libellant, amounting in the aggregate to the sum of eleven thousand and thirty-seven dollars and ninety-six cents, it is hereby adjudged and decreed that the respective claimants of each vessel shall be held and are responsible to said libellant.

And it is further ordered, adjudged, and decreed that, as between the claimants of the respective vessels, the said amount of damages, interest, and costs, and accruing interest and charges, be [be] equally apportioned and paid between and by the said steam ferry-boat D. S. Gregory, her engines, tackle, &c., or her said claimants, and the said steamboat George Washington, or her said claimants.

And it is further ordered, adjudged, and decreed that, on the payment by the claimants of either vessel of one-half of the said amount of damages, costs, and interest, with accruing interest and charges thereon, the proceedings of the libellant be stayed as to such vessel and her claimants for the collection of the residue until the return by the marshall of an execution unsatisfied against the claimants of the other vessel for the other half part of said amount, or until it shall otherwise appear that the said libellant is unable to enforce or collect the
406 other half part of said amount of damages, costs, and interest, with accruing interest and charges, against the claimants of the other vessel by process from this court. And any of the parties are to be at liberty to apply to this court, if occasion shall require, touching the enforcement of the decree.

S. NELSON.

(Indorsed:) U. S. circuit court for the southern district of New York. Ann Cavan ag'st the steam ferry-boat D. S. Gregory, her engines, tackle, &c., and the steamboat George Washington. Decree affirming decree of the district court.

Filed Oct. 29, '68.

407 To the honorable the Supreme Court of the United States:

The petition of appeal of the New Jersey Railroad and Transportation Company of the State of New Jersey, respectfully shows, that on the seventh day of November, one thousand eight hundred and sixty-six, Ann Cavan filed her libel in the district court of the United States for the southern district of New York, against the steam ferry-boat "D. S. Gregory," her engines, tackle, apparel, and furniture, setting forth that while a passenger on board the said steam ferry-boat "D. S. Gregory," between Jersey City and New York, the said libellant was injured by a collision which occured on the sixteenth day of September, one thousand eight hundred and sixty-six, between the said steamboats "D. S. Gregory" and "George Washington," under the circumstances set up in the libel.

That the claimants, your petitioners, the New Jersey Railroad
408 and Transportation Company, duly intervened and claimed said

steam ferry-boat, D. S. Gregory, and gave the requisite bond, and said vessel was duly delivered to them; that the claimants duly answered, denying the statements of the libel, and setting out that the collision occurred under the circumstances set out in their answer, and without fault on the part of the "D. S. Gregory," or those on board of her; that such proceedings were had that the cause was tried before the district court of the United States for the southern district of New York, and a decree rendered on the eighteenth day of March, one thousand eight hundred and sixty-eight, condemning both vessels for the damages, and awarding the libellant the sum of ten thousand dollars and costs.

That from that decree an appeal was taken to the circuit court of the United States for the southern district [district] of New York, by these claimants, and such proceedings were had that on the twenty-ninth day of October, one thousand eight hundred and sixty-eight, the said circuit court des affirm the said judgement, ordering that the decree
409 be amended by dividing the damages between the two vessels, "D. S. Gregory" and "George Washington," and further providing that if either were unable to respond the other should be responsible.

That these claimants are advised and insist that the said decrees of the district and circuit courts, respectively, are erroneous insomuch and in all such facts as they hold the steam ferry-boat "D. S. Gregory," or these claimants, in fault or liable in any way to damages for such collision or the injury to the libellant, and they appeal to the Supreme Court of the United States therefrom.

Wherefore the claimants and appellants, petitioners, pray that the said Supreme Court may proceed to hear the said cause on the pleadings and proofs taken therein, and to revise and annul said decree of the circuit court insomuch and such facts thereof as in any way hold the "D. S. Gregory" or her claimants liable or responsible for any damages of the libellants by the collision in the pleadings mentioned, and such part or parts as in any way decrees or orders the payment of any damages by the said steam ferry-boat "D. S. Gregory," or the claim-
410 ants thereof, for any injuries sustained by the libellant, Ann Cavan.

JOSEPH C. JACKSON,
Proctor for Petitioners, No. 16 Wall st., N. Y. City.

(Indorsed:) U. S. circuit court southern district of New York. Ann Cavan ag't the steam ferry-boat D. S. Gregory, her engines, &c., &c. Impleaded. Petition on appeal. Joseph C. Jackson, petitioner's proctor for cl'm'ts of "D. S. Gregory" & app'l'ts.
Filed Nov. 11, 1868.

411 Supreme Court of the United States of America for the southern district of New York, in the second circuit.

ANN CAVAN *vs.* THE STEAM FERRY-BOAT D. S. GREGORY, impleaded with the st'boat Geo. Washington; the New Jersey Railroad and Trans. Co., cl'm'ts.	Bond for costs.

Know all men by these presents, that we, the New Jersey Railroad Transportation Co., Alfred L. Dennis, pres'd't, & Hamilton Fish, are held

and firmly bound unto the above-named Ann Cavan, lib'l't & appellee, in the sum of twenty-three thousand dollars, to be paid to the said Ann Cavan; for the payment of which, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the 10th day of Nov'r, in the year of our Lord one thousand eight hundred and sixty-eight.

Whereas the above-named the New Jersey Railroad & Trans. Co. have prosecuted an appeal to the Supreme Court of the United States to reverse the decree rendered in the above-entitled suit by the judge of the circuit court of the United States for the southern district of New York:

Now, therefore, the condition of this obligation is such, that if the above-named obligors shall prosecute their appeal to effect, and answer all damages and costs if they fail to make their appeal good, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

N. J. R. R. & Trans. Co.,

By A. L. DENNIS, *President.*
HAMILTON FISH.

Sealed and delivered, and taken and acknowledged, this 10th day of Nov., 1868, before me.

KENNETH G. WHITE,
U. S. Com'r.
R. E. STILWELL,
As to Alfred L. Dennis.

412 UNITED STATES OF AMERICA,
Southern District of New York, ss:

Alfred Dennis, being duly sworn, doth depose and say, that he is president of the New Jersey R. R. & Trans. Co.; and that the said Co. is worth, in the city of New York, forty-six thousand dollars over and above all his just debts and liabilities.

A. L. DENNIS.

Sworn to this 10th day of Nov., A. D. 1868, before me.
R. E. STILWELL,
U. S. Com'r.

U. S. OF AMERICA, *South. Dist. of New York, ss:*

Hamilton Fish, being duly sworn, doth depose and say that he resides in N. Y. City; and that he is worth the sum of twenty-three thousand dollars over and above all his just debts and liabilities.

HAMILTON FISH.

Sworn to this 13th day of Nov., A. D. 1868, before me.
KENNETH G. WHITE,
U. S. Com'r.

(Indorsed:) Vol. . Page . U. S. circuit court.
vs. Bond for costs on
, proctor.
Filed this 14 day of Nov., 1868.

Approved:

S. NELSON.

Nov. 14, '68.

413 By the Honorable Samuel Nelson, one of the judges of the circuit court of the United State for the southern district of New York, in the second circuit, to Ann Cavan:

Whereas the New Jersey Railroad and Transportation Co. of the State of New Jersey, cl'm'ts of the steam ferry-boat D. S. Gregory, lately appealed to the Supreme Court of the United States from a decree rendered by the circuit court of the United States for the southern district of New York, made in favor of you, Ann Cavan, as libellant and appellee, ag'st the steamboat D. S. Gregory & George Washington, of which vessel, the D. S. Gregory, an the New Jersey Railroad & Transportation Company are the owners, and have filed the security required by law:

You are, therefore, hereby cited to appear before the said Supreme Court, at the city of Washington, on the first Monday of Dec'r next, to do and receive what may appertain to justice to be done in the premises.

Given under my hand at the city of New York, in the southern district of New York, in the second circuit, the 14th day of Nov'r, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States the ninety-third.

S. NELSON.

414 SOUTHERN DIST. OF NEW YORK,
City & County of New York, ss:

Peter B. Olney, being duly sworn, says that, on the 14 day of Nov., 1868, he served the within citation on Thatcher M. Adams, the proctor of the appellee, by leaving a copy of same in the office of said Adams, No. 49 Nassau street in said city, with a person in charge of said office, and at the same time showing the within original.

PETER B. OLNEY.

Sworn to before me this 14th day of Nov., 1868.

KENNETH G. WHITE,
U. S. Commissioner.

(Indorsed:) Vol. . Page . U. S. court, southern district of New York. The steam ferry-boat D. S. Gregory, &c., &c.; the New Jersey Railroad & T. Co., claimants and appellants, impleaded &c., vs. Ann Cavan, appellee. Citation on appeal. , proctor for appellant.

Filed Nov, 14th, 1868.

We hereby admit due service of within citation.
New York, Nov., 14, 1868.

BEEBE, DEAN & DONOHUE,
Proctors for Geo. Washington.

415 To the honorable the Supreme Court of the United States:

The petition of appeal of Jacob Myers, Egbert Myers, and Michael Sherman, respectfully shows:

That on the seventh day of November, one thousand eight hundred and sixty-six, Ann Cavan filed her libel in the district court of the United States for the southern district of New York, against the steamboat "George Washington," her engines, tackle, apparel, and furniture, setting forth that while a passenger on board the steamboat "D. S. Gregory," between Jersey City and New York, the said libellant was injured by a collision which occurred on the sixteenth day of September,

one thousand eight hundred and sixty-six, between the said steamboats "D. S. Gregory" and "George Washington," under the circumstances set up in the libel; that the claimants and William Meyers duly intervened and claimed said steamboat "George Washington," and gave a bond, and said vessel was duly delivered to him; that the claimants duly answered, denying the statements of the libel, and setting out that
416 the collision occurred under the circumstances set out in the answer, and without fault on the part of the "George Washington," or those on board of her; that such proceedings were had that the cause was tried before the district court of the United States for the southern district of New York, and a decree rendered on the eighteenth day of March, one thousand eight hundred and sixty-eight, condemning both vessels for the damages and awarding the libellant the sum of ten thousand dollars and costs.

That from that decree an appeal was taken to the circuit court of the United States for the southern district of New York, by these claimants, and such proceedings were had that on the third day of October, one thousand eight hundred and sixty-eight, the said circuit court did affirm the said judgement, ordering that the decree be amended by dividing the damages between the two vessels "George Washington" and "D. S. Gregory," and further providing that if either was unable to pay the other should be responsible.

417 That the claimants are advised and insist that the said decrees of the district and circuit courts, respectively, are erroneous, insomuch and on all such facts as they hold the "George Washington," or the claimants, in fault or liable in any way to damages for such collision or the injury to the libellant, and they appeal to the Supreme Court of the United States therefrom.

Wherefore the claimants and appellants, petitioners, pray that the said Supreme Court may proceed to hear the said cause on the pleadings and proofs taken therein, and to revise and annul said decree of the circuit court insomuch and in such facts thereof, as in any way hold the George Washington liable or responsible for any damages of the libellant by the collision in the pleadings mentioned, and such part or parts as in anywise decrees or orders the payment of any damages by the said steamboat George Washington or the claimants thereof for any damages sustained by the libellant, Ann Cavan.

418 And they will ever pray, &c.

BEEBE, DONOHUE & COOKE,
Proctors.

(Indorsed:) U. S. circuit court. Ann Cavan vs. the Steamboat "George Washington" & the steamboat "D. S. Gregory." Petition on appeal. Filed Nov. 11, '68. Beebe, Donohue & Cooke, proctors.

We admit due service of the within petition of appeal.
Oct. 10, 1868.

JOSEPH JACKSON,
Proctor for "D. S. G."

Due service of the within admitted.
Nov. 11, 1868.

THATCHER M. ADAMS,
Proctor for Libellant.

419 Supreme Court of the United States of America for the southern district of New York, in the second circuit.

ANN CAVAN, lib'l't & appellee,
vs.
THE ST. FERRY-BOAT D. S. GREGORY, HER tackle, &c.; the New Jersey R. R. & Transportation Co.; & the st'boat George Washington, her tackle, &c.; Wm. Myers & als., cl's & appellants. } Bond for costs.

Know all men by these presents, that we, Jacob Myers, Egbert Myers, and Peter C. Schultz, are held and firmly bound unto the above-named Ann Cavan, in the sum of fifteen thousand dollars, to be paid to the said Ann Cavan; for the payment of which, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the 29th day of October, in the year of our Lord one thousand eight hundred and sixty-eight.

Whereas the above-named Wm. Myers & als., cl't of st'b't Geo. Washington, have prosecuted an appeal to the Supreme Court of the United States, to reverse the decree rendered in the above-entitled suit by the judge of the circuit court of the United States for the south'n district of New York:

Now, therefore, the condition of this obligation is such, that if the above-named Wm. Myers, cl't of st'b't Geo. Washington, shall prosecute their appeal to effect, and answer all damages and costs if they fail to make their said appeal good, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

JACOB MYERS.
EGBERT MYERS.
PETER C. SCHULTZ.

Sealed and delivered, and taken and acknowledged, this 10th day of Nov., 1868, before me.

EDWARD L. OWEN,
U. S. Com'r for the South'n Dist. of N. Y.

420 UNITED STATES OF AMERICA,
Southern District of New York, ss:

Jacob Myers, Egbert Myers, & Peter Schultz, being duly sworn, ea'h depose and say, that they are worth the sum of fifteen thousand dollars over and above all their just debts and liabilities.

JACOB MYERS.
EGBERT MYERS.
PETER SCHULTZ.

Sworn to this 10th day of Nov., A. D. 1868, before me.

EDW'D L. OWEN,
U. S. Com'r for the South. Dist. of N. Y.

I approve of the within bond as to its form and the sufficiency of the sureties.

SAM. BLATCHFORD, *Dist. Judge.*

Nov. 11, 1868.

(Indorsed:) Vol. . Page . U. S. circuit court.
vs. . Bond for costs on
, proctor.

I am satisfied with the sufficiency of the within bond.
T. M. ADAMS, *Pr. for Libellant.*

Filed this 11 day of Nov'r, 1868.

421 By the Honorable Samuel Blatchford, one of the judges of the circuit court of the United State for the southern district of New York, in the second circuit, to Ann Cavan:

Whereas Jacob Myers, Egbert Myers, & Michael Sherman lately appealed to the Supreme Court of the United States from a decree rendered by the circuit court of the United States for the southern district of New York, made in favor of you, Ann Cavan, as libellant & appelle, against the steamboats George Washington & D. S. Gregory, of which vessel, the Ge'ge Washington, said Jacob Myers, Egbert Myers & Michael Sherman, were the owners, and have filed the security required by law:

You are, therefore, hereby cited to appear before the said Supreme Court at the city of Washington, on the first Monday of December next, to do and receive what may appertain to justice to be done in the premises.

Given under my hand at the city of New York, in the southern district of New York, in the second circuit, the eleventh day of Nov'r, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States the .

SAM'L BLATCHFORD.

422 Due service of a copy of the within admitted.
Nov. 11, 1868.
THATCHER M. ADAMS, *Pr. for Libellant.*

We admit due service of the within.
Oct. 10, '68.
JOSEPH C. JACKSON, *Pr. for C'ts.*

(Indorsed:) Vol. . Page . U. S. court, southern district of New York. and appellant, vs. , appellees. Citation on appeal.

Filed Nov. 11, '68.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

I, Kenneth G. White, clerk of the circuit court of the United States of America for the southern district of New York, in the second circuit, do hereby certify that the foregoing pages, numbered from one to 422, inclusive, contain a true and complete transcript of the record and proceedings had in said court, in the case of Ann Cavan, lib'ts & appellee, against the st. ferry-boat D. S. Gregory, &c., the st'boat George Washington, her tackle, &c., as the same remain of record and on file in said office.

In testimony whereof, I have caused the seal of the said court to be hereunto affixed, at the city of New York, in the southern district of New York, in the second circuit, this 9th day of Dec'r, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the said United States the ninety-third.

[SEAL.] KENNETH G. WHITE, *Clerk.*

U. S. Supreme Court.

STEAMBOAT GEORGE WASHINGTON,
&c.,
Impleaded, Appellant,

vs.

ANN CAVAN,
Libellant, Appellee.

Brief and Points
for
Geo. Washington.

On the 16th day of September, 1866, in open daylight, between 9 and 10 o'clock, a collision occurred between the steamboat "George Washington" and the ferryboat "D. S. Gregory."

The collision occurred off Pier 39, N. R., one block or square below the slip of the "D. S. Gregory," (fol. 103, 270, 298), and about 200 yards out towards the Jersey shore. The tide at the time was ebb, (fol. 247, 268, 277, 292, 299, 308, 324, 330, 334, 339, 365). There was nothing in the river to obstruct the passage of the two boats, (fol. 102, 117, 175, 182).

The answer of the "Gregory" shows that she ported her helm when she first saw the "Geo. Washington," and sets up that she stopped when collision was probable (fol. 33).

The answer and allegation of the "Washington" shows that she saw the "Gregory" in ample time; that when so seen there was no danger of a collision, but that the

"Gregory's" helm was put to port, and a jingle bell rung to increase her speed, and that in consequence she ran across the bows of the "Washington."

FIRST.—The ferryboats crossing the North River or any other river, have no special right or royal road in preference to others; but their usual and proper course on certain tides are a matter of perfect notoriety, and all persons act and deal with them in the expectation that they will pursue such, their proper and usual course. In this case the "Washington" had the right to suppose that the tide being ebb, as it clearly was, that the "Gregory" would take her usual course and not haul in towards her slip until she had gone to a place above a line with it. (Fol. 284.)

That such, but for the unfortunate, apparent weakness of her pilot, would have been the course, is perfectly apparent. Where the collision did occur was not her proper place, but only arrived at by an increase of speed and change of helm.

SECOND.—The "Washington" having the right to suppose that the "Gregory" would keep what would have been her usual and proper course, whistled to her, not in any sense that there was danger or risk of collision, but as the rule requires of passing or crossing vessels. In this the Court below entirely erred. The whistle was not one of or to betoken danger, (what a danger whistle is, is shown in the rule, and this is not one,) and in so erring the fault of the reasoning of the Court below lies. The courses of the two vessels, as will be

shown, would have cleared each other; but, to prevent accident or mistake the whistle was blown. As the Court below truly observes, whistles are not to entitle a vessel to order another either way, but to state what you are going to do and prevent misunderstanding.

THIRD.—It is clear, from the positive statement of the witnesses, and the other facts, that but for the change of course of the "D. S. Gregory," no collision would have taken place. (Fol. 159, 276, 299, 300, 313, 342)

1. As to positive evidence on this point, Schoonmaker, for the "Gregory," says (fol. 159):

Q. When you first noticed them, you thought if they had kept their courses there would have been no collision?

A. Yes, sir.

Q. Some change was made afterwards, you think, by some of them, but you don't know which?

A. I don't know which.

Re-direct:

Q. How could the "Washington" have avoided the collision?

A. If they had kept their positions they would have cleared one another; that is, according to my observation, at first.

This distinctly shows that if no change in course had taken place, no collision would have happened. This is the only witness on board the ferryboat, except their pilot, who professes to have seen us until just before the collision.

2. Nichols, for the "D. S. Gregory," says that he saw the "George Washington" coming, but could not see the "D. S. Gregory;" and that when the "D. S. Gregory" came in sight she came so as to head about for his dock; this shows that, had she not changed, she could have passed astern of the "George Washington."

3. Where the collision occurred proves that, unless the "D. S. Gregory" changed, and had accelerated her speed, there could have been no collision.

   1. The collision occurred below her slip, five hundred feet below where she would have gone had she not changed her course to the south.

   2. But in addition to this she had increased her speed, at least one-sixth.

   3. And in addition to this, the "George Washington" had stopped her engine, and backed three to four times.

      Now, before referring to our own testimony on this subject, it is evident without these three elements, violently brought into the case by the "D. S. Gregory," no collision could have happened. But look at our clear, positive testimony on the subject, and it shows clearly and distinctly that had the "D. S. Gregory" kept her course, just as Schoonmaker, at 159, states, no collision could have happened. 376-25 292. 313 342

FOURTH.—If it is true, that under the circumstances stated, it was the duty of either to take any steps or select a

route to clear the other, and it is true, as the Court below says it was incumbent on us, then it is equally clear that the "Gregory" should not have embarrassed us in the matter. She did not permit us to see whether the route selected by us was a proper one, but by some fatality undertook to do something without apparently knowing what.

FIFTH.—Under the circumstances, we say it is clear that the collision arose from clear faults on the part of the "Gregory."

1. She had no look-out—not even an excuse for one.

2. She had but one person above the deck of the vessel to attend to her management or navigation.

3. That person so placed was entirely incompetent at the time, and is unreliable. He had been sick and was weak at the time.

   The answer of the "D. S. Gregory" is drawn from his statement, and that sets up that he stopped and backed. This, on the trial, is not only shown to be false, but that she was actually goaded ahead by ringing a jingle bell.

   On the trial he swears and reiterates that he had a license at the time of collision, but it appears that he went the very next day to get it, and when he discovers that this falsehood is known he tries to tell another story.

4. He entirely overlooked and violated the rules of navigation, in not permitting the "George Washington" to take her proper course.

5. He departed from her true and known course, which course, if kept, would clear.

See the testimony.

Now as there is nothing to show our speed unusual or excessive, and when it is considered that the speed kept up would have avoided a collision, and decreased, probably incurred it, the "George Washington" was bound to keep on—would have been in fault to have stopped. She would, had she done so, stopped in the track of the "D. S. Gregory." The whistles that the "George Washington" gave were, as before stated, no indication of danger, but simply a statement of what the "George Washington" intended to do.

Now nothing would have occurred but for the unfortunate lunacy or weakness of the pilot of the "D. S. Gregory;" he, for some reason unknown to himself, ported her helm. We say, unknown to himself, because it is apparent that he did not know what he did; he did not know that he rang to increase speed, and his answer says he stopped.

Now when this fault then threw the "D. S. Gregory" in the way of the "George Washington," did she fail in the least to promptly endeavor to avoid a collision?

She at once was stopped, and would have avoided the collision but for the increase in speed of the "D. S. Gregory." 203. 276. 287. 288. 302 310

Did the "George Washington" do anything wrong, or was she improperly manned?

She had a proper look-out.

She had a proper pilot; the pilot saw the "Gregory" on a course, which had she kept, would have avoided the collision, and on a course

that would take the "Washington" well in shore of her. Now what under the circumstances was it the duty of the "George Washington" to do, when so situated?

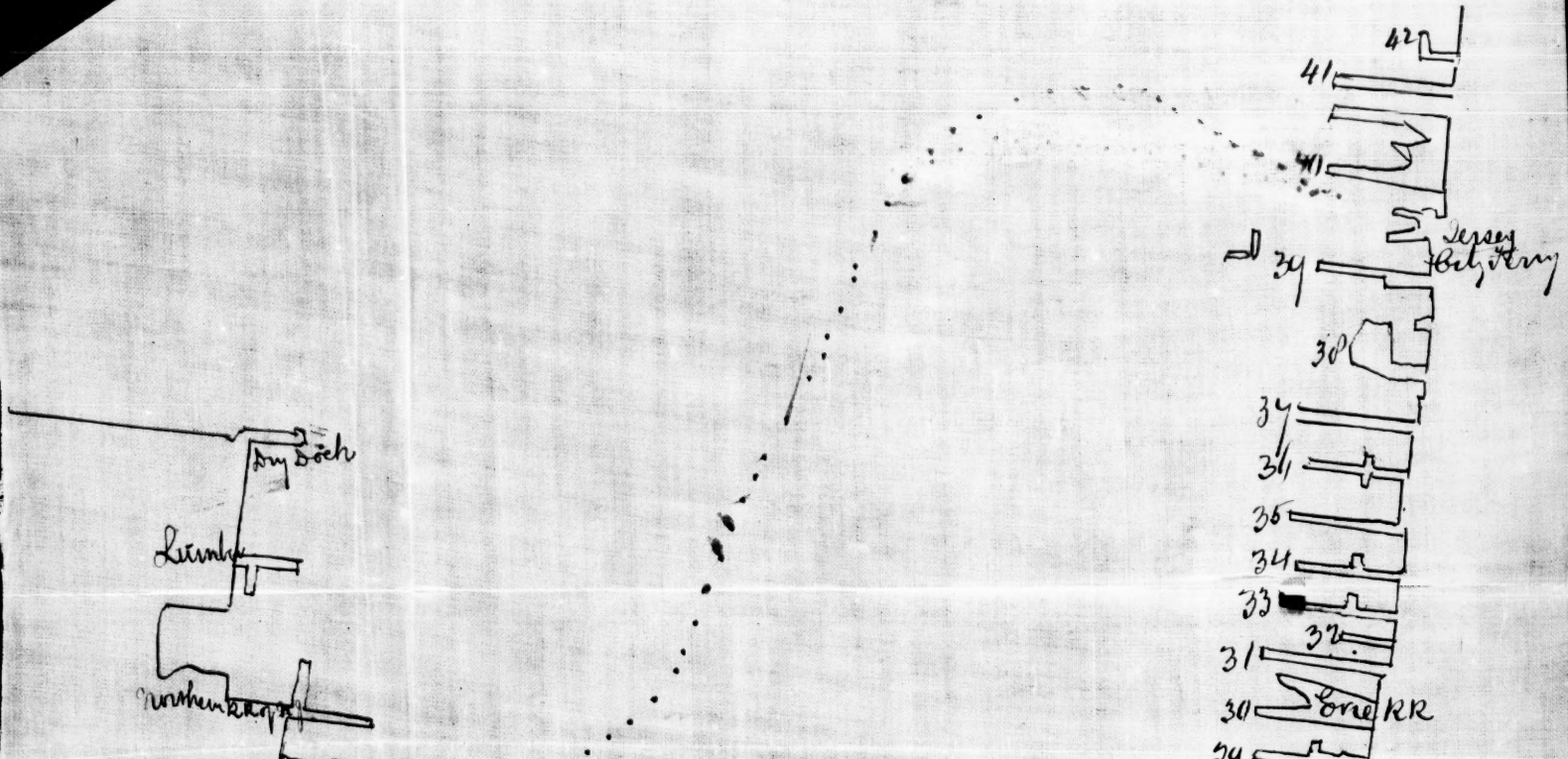
Should she stop? Why? They were on courses that would have carried them apart. To stop would have been to risk a collision; to have steered out or ported would have incurred risk; her duty was a clear one; to keep steadily on, and so far from her speed being in the wrong, the faster she was going would be the more apt to avoid a collision.

Was her speed improper? It is respectfully submitted that in a river a mile wide, with but these two vessels in sight, the rate of speed was in no way improper; the evidence that all was clear on the river is abundant.

In considering the duties of persons situated as the pilot of the "Geo. Washington" was, you are to assume that he expected nautical conduct on the part of the "D. S. Gregory," and that his acts were based on that assumption. If you do not assume this, then all rules in nautical matters are gone.

It is evident that the "Geo. Washington" could do nothing more than she did.

SIXTH.—The Court below has to assume that the collision occurred by the effort of the pilots of the respective boats to compel the other to give way. We respectfully submit, that nothing could be further from the fact, and that in this respect the Court has been led


42
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Lone RR
Dry Dock
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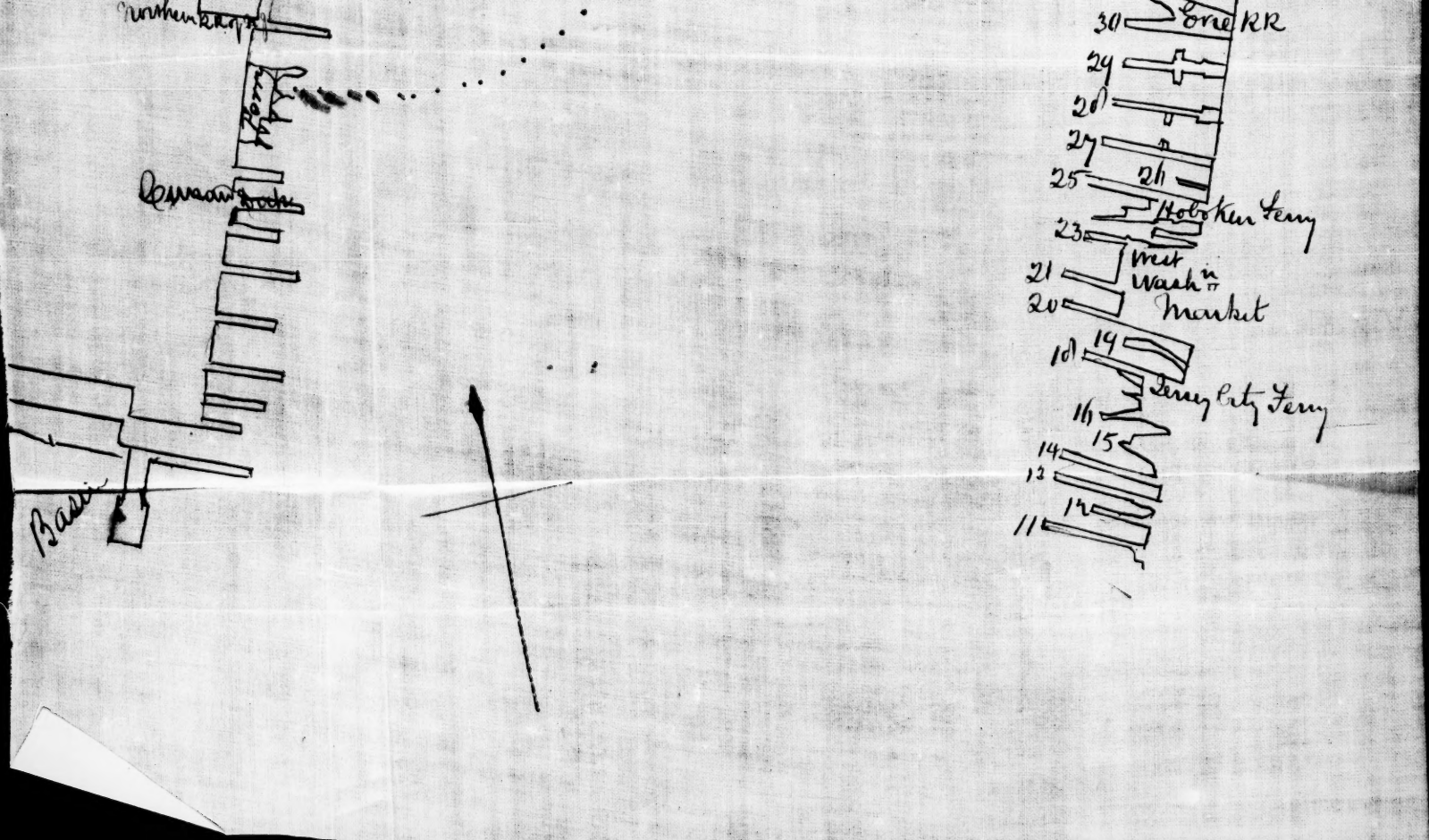
Northern Pacific


Northern R.R.
Erie R.R.
Hoboken Ferry
Meat Wash
Market
Jersey City Ferry
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into the same error as led to the decisions below in Sturgis *vs.* "The R. L. Maybie." 21 How 458

Here the Court below entirely overlooked the rules of navigation of the vessels in collision, in that you are to assume that persons in command of vessels well know courses.

SEVENTH.—The libel, as against the "George Washington," should have been dismissed. The libel here counts on a contract, on the part of the "D. S. Gregory," to carry her, and the loss occurring by the break of that contract, by the fault of her carrier and the "Washington," it is submitted that such a cause and parties are improperly joined.

EIGHTH.—We submit that the damages as to the "Washington" are excessive. The libellant had a contract with the "D. S. Gregory," and the law presumes negligence on the part of that boat; and that being further proved in the case, the amount of damages chargeable to the "Gregory" would be necessarily to a greater amount than against us who had no contract, who had received no compensation, and who are only chargeable not with a willful act, but with simply a negligence of our agents.

~~BEEBE, DONAHUE & COOKE~~,
~~of Counsel.~~

It is respectfully submitted that the Decree as against the George Washington should be reversed

Chas Donahue
of Counsel.